

THE HEADSHIP OF JESUS CHRIST  
AS TAUGHT AND VINDICATED  
BY THE REFORMED PRESBYTERIAN CHURCH  
IN NORTH AMERICA  
IN RELATION TO CIVIL GOVERNMENT

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TO

PROFESSOR HUGH WATT, D. D.

## PREFACE

The Reformed Presbyterian Church from her earliest existence has recognized Christ as King of kings and Lord of lords. Throughout the years she has continued to sing: "O let the nations be glad and sing for joy: for thou shalt judge the people righteously, and govern the nations upon earth." A most distinctive part of her testimony has been to herald this royal note in civil affairs.

This truth was impressed upon me even in my childhood, for my parents and ancestors for several generations were affiliated with this Church. Later, as a student in the Reformed Presbyterian Seminary, I learned to admire Richard Cameron Wylie, a professor who had taught and preached the doctrine of the Headship of Christ in relation to civil government for nearly half a century. For several years I attended a series of his lectures on Political Philosophy which increased my interest in this subject. Frequently I drove him to his home after classes, and occasionally we talked about God's place in our Nation. Oftentimes he expressed a fear that young ministers would neglect this vital question. These lectures and conversations aroused in me a keen desire to study further this principle of my Church.

Shortly after my arrival in Edinburgh I consulted Professor W. P. Patterson, D. D., regarding my work. When I explained to him that I was a Covenanter from America and that I was interested in this subject, he suggested



that I make a study of it. Later, I talked with Professor Mackinnon, D.D., who approved also of this study.

It seems to me that a study of Christ's Headship in our Nation is one of vital importance to a minister of the Reformed Presbyterian Church, and this thesis will have justified its composition if it serves but ever so slightly to crown the King "Lord of All."

I wish to express my grateful appreciation of the generous assistance of my professors in Edinburgh and also my great indebtedness both for helpful criticism and for encouragement to my advisors, Professor James Mackinnon, D. D., and Professor Hugh Watt, D. D.

R. M. C. W.

April 1, 1939

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INTRODUCTION

INTRODUCTION

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## INTRODUCTION

### I

#### A HISTORY OF THE CHURCH IN SCOTLAND

The Reformed Presbyterian Church in North America, oftentimes called the Covenanter Church or the Church of the Covenanters<sup>1</sup>, is the lineal descendant and true representative of the Church of Scotland in her purest days and embraces in her testimony the principles of the Second Reformation as exhibited between the years 1638 and 1649. The Church in Scotland was a covenanting church, and the Reformed Presbyterian Church of this age, also a covenanting church, is the remnant of the original stock. Indeed, this Church would be better understood if she were called the Reformation Presbyterian Church in North America.

The Reformed Presbyterian Church in all lands has taught the supremacy of Christ in all the realms of life. From her beginning she has carried the message of the Cross to individual souls, for each person must declare his belief in Christ to obtain eternal life. This Church likewise has borne witness to the supremacy of Christ over the nations. She has believed and taught through the years that Christ is King of kings and Lord of lords. Covenanters have testified for the Crown as well as for the Cross of Jesus Christ.

1 See Appendix I, p. 306.

As a distinct denomination the Reformed Presbyterian Church rises into view with the Reformation in Scotland. From the moment of her entrance the foes of truth and liberty pressed hard upon her. In her infancy she knew the meaning of persecution.

Patrick Hamilton was one of the first Scotsmen to preach the doctrines of Luther. After a visit to Wittenberg where he was won to the faith of Luther, Hamilton hurried back to Scotland to proclaim to his people the message of his heart. Hamilton knew well that, in preaching this new doctrine, he endangered his life. Nevertheless, instead of remaining silent, he chose the possibility of persecution and of death. He continued to preach, until at last he was burned at the stake in 1528 before the gate of St. Salvador's College, St. Andrews. His death did more for the cause which he loved than his life could have accomplished.<sup>2</sup>

Hamilton, called by Hume Brown the "Proto-martyr of the Scottish Reformation", was not the only one who sacrificed his life for Protestantism. At least nine other persons suffered the same tragedy.<sup>3</sup> The priests of the Catholic Church were becoming alarmed at the spread of the new doctrine and determined to blot it out.

During the trial and death of Hamilton a young man was in training for the priesthood. He was won to the Protestant cause largely through the influence of George

<sup>2</sup> Hetherington, History of the Church of Scotland, pp.24-26.

<sup>3</sup> Brown, History of Scotland, p. 295.

Wishart, and in the words of Hetherington he was to become the "great Scottish Reformer".<sup>4</sup> It would scarcely be too much to say that John Knox did more to save Scotland and Great Britain for Protestantism than any other man. Little is known of his early life except that he was trained as a priest of Rome. In his later life he was preacher, reformer, and statesman.

When the first meeting of the General Assembly of the Church of Scotland met in Edinburgh on December 20, 1560, John Knox was one of the six ministers present.<sup>5</sup> As a result, he was one of a group to help in the formation of a church founded upon the Bible which would take the place of the Roman Catholic Church. A Confession of Faith was drawn up and approved by Parliament. Likewise, a Book of Discipline was formulated, which was not approved by Parliament until Mary of Scots lost her power.

During the reign of Mary of Scots every conceivable method was used to keep Scotland under France and the Pope. In 1558, Mary was married to Francis, the Dauphin of France and the heir to the French throne. At the time of her marriage two treaties were formulated. One treaty was made public; the other one was kept in secret. The treaty which was made public gave Scotland the right to remain an independent country. The secret treaty gave

4 Hetherington, History of the Church of Scotland, p. 34.

5 M'Crie, Life of John Knox, p. 172.



the King of France the right to become King of Scotland if Mary should die without an heir.<sup>6</sup> This compact would bring Scotland under the influence of France, a Catholic nation. Mary's husband died in 1561 which made the secret compact null and void. Before leaving for Scotland, Mary entered into another agreement with her French friends which would restore Scotland to the Roman Catholic Church. Her hope went even further. The death of Elizabeth, the Queen of England, might make it possible for her to succeed to the throne of England as the nearest heir. Thus both England and Scotland would be dominated by the Roman Catholic Church.

It seemed at first that Mary might work out her plans. Her beauty and personality soon won the hearts of the nobles of Scotland. With them at her side she thought that the agreement which she had made in France with her Catholic friends could be culminated soon. However, there was a statesman in Scotland with whom she would have to contend. She threatened him; she entreated him; she wept before him. Her efforts were in vain for John Knox could not be moved. By his voice he won the fight for freedom in Scotland and saved not only Scotland for Protestantism, but England and America as well.

There was another method by which the Protestants of Scotland endeavored to save their country from the influence of the Roman Catholic Church; and that method was covenanting with God and with one another. These

6 Brown, History of Scotland, p. 317.

covenants were for the purpose of uniting the friends of the cause. The First Covenant was subscribed to at Edinburgh on December 3, 1557.<sup>7</sup> It stated the ends and aims which the Protestants wished to attain. The chief principle to which they subscribed was the suppression of the Church of Rome, for they were resolved to do all in their power to convert the people of the country to Protestantism. Other covenants followed this one. The First National Covenant was made in 1581 which became the foundation of future covenants.<sup>8</sup> It was the nation's solemn protest against Popery, a bond for the maintenance of the Reformed Faith.

In 1638, one of the most important of the covenants of Scotland was sworn to.<sup>9</sup> Archbishop Laud had prepared a new service book to be used in all the churches. But the people of Scotland objected, for it seemed to them to be too much like the ritual of the Roman Catholics. The first attempt to use the new manual in Scotland was in St. Giles Church, Edinburgh. A great crowd of people came to the church to see what would happen. The archbishops of Glasgow and of St. Andrews were present, as well as the lords of the Privy Council and of the Court of Session. When the Dean reached the point where the new service was to be introduced, all was in confusion. Jenny Geddes sprang to her feet and calling out, "Dost thou say mass at my lug?" flung her stool at the Dean's head. Hume

7 Hetherington, History of the Church of Scotland, pp.38-39.

8 Glasgow, History of the Reformed Presbyterian Church, p.28.

9 Brown, History of Scotland, pp. 412-417.

Brown describes the scene in these words: "When the Bishop of Edinburgh mounted the pulpit, all kinds of missiles were thrown at him, and when he and the other clergy left the church they were pelted by the mob, though none of them were seriously injured."<sup>10</sup>

Edinburgh gave forth the battle cry against the invasion of Catholicism, and soon the whole country was in revolt. When the people saw their danger, they took their usual method of meeting it. They made a covenant. Of its three distinct divisions the first was simply the Covenant of 1581 rewritten; the second was a series of citations from Acts of Parliament selected to set forth the legality of the proposed proceeding with a view to precluding the possibility of any charge of disloyalty; the third, which was written by Alexander Henderson, brought the whole purport of the Covenant to a focus as touching the immediate enterprise upon which all persons agreeing to sign it were about to embark. On the twenty-eighth day of February, 1638, a great multitude gathered in Greyfriars Church and in the churchyard. After a solemn service thousands put their names to the document. Copies of it were sent to all parts of the country, and many more Scotsmen signed it.<sup>11</sup> The renewing of the Covenant was followed by the happiest effects and manifest tokens of Divine blessing. It was the means of awakening the people

<sup>10</sup> Ibid., p. 414.

<sup>11</sup> Hetherington, History of the Church of Scotland, pp. 154-156.

to their vows. Thus, they demanded that a free Parliament and a free General Assembly should be held which should settle what the religion of the country was to be, how the Church was to be governed, and what forms of worship were to be followed. By a free Parliament and a free General Assembly the Covenanters meant that the king should not dictate the policies of the country, but that he should take into consideration the wishes of the people. Charles I, seeing that there was nothing else to be done, consented that a free Parliament and a free General Assembly should meet. Accordingly, the Covenant of 1638 helped for a time to suppress the domineering character of Charles and served to stem the tide of Episcopacy.

Five years later another Covenant was signed.<sup>12</sup> It was known as the Covenant of 1643 or the Solemn League and Covenant. There were two reasons for making this Covenant. The English wanted a political league that would bring the army of Scotland into the field against the king who was at that time at war with the Parliament. The people of Scotland wanted a covenant with the English which would entrench Presbyterianism in both countries. The name of the Covenant indicates that each party obtained what it desired. This famous document bound the United Kingdoms to the preservation of the Reformed religion, to its doctrines, to her discipline, and to her government

<sup>12</sup> Ibid., pp. 186 ff.

according to the Word of God. It simply brought the Church back to her scriptural basis, to her allegiance to the Lord Jesus Christ and His law in all transactions, civil and ecclesiastical.

In the war between the English king and the Parliament, the bishops sided with the king who had appointed them. In order to remove the influence of the bishops, "Parliament abolished the Court of High Commission and the Star Chamber; and in November, 1642, it was ordained that after November 5, 1643, the office of archbishop and bishop, and the whole framework of prelate government, should be abolished."<sup>13</sup> Since there was no constituted church in England, Parliament called the Westminster Assembly. This Assembly brought together the greatest men of the age. Alexander Henderson, Robert Douglas, Robert Baillie, George Gillespie, Samuel Rutherford, the Earl of Cassilis, Lord Maitland, and Sir Archibald Johnston of Warriston traveled from Scotland to London as delegates from the Church of Scotland.

This Assembly accomplished three major things. The first consideration concerned the form of Church Government. Since the King had forbidden the meeting of the Assembly, only a few of the Episcopalians attended. The Presbyterian members were in the majority and naturally carried the vote. Nevertheless, there were long and care-

<sup>13</sup> Hodge, Commentary on the Confession of Faith, p. 36.

ful discussions in order to bring about agreement. At last the Presbyterian form of government was adopted. The second accomplishment of the Assembly was the Confession of Faith; the third, was the formation of the Catechisms, Larger and Shorter.<sup>14</sup>

The Church now seemed to have reached a climax of liberty and security, but her future was soon darkened. When Charles II was crowned at Scone on January 1, 1651, he solemnly swore to keep both the National Covenant and the Solemn League and Covenant. "Kneeling and holding up his right hand," writes Hetherington, "he uttered the following awful vow: 'By the Eternal and Almighty God, who liveth and reigneth for ever, I shall observe and keep all that is contained in this oath.' " <sup>15</sup> Blessings followed for a time and many of the breaches in Church and State were healed. The supreme Headship of Christ over the Church was exhibited; the Church was permitted to call her own assemblies; the policy of the government was brought into conformity with God's Word; and the Nation owned its allegiance to Christ. This period was the Church's purest and happiest time. The object of the existence of the Covenanter Church in America as a true witness for the royal prerogatives of Christ as King is to bring this Nation to the enjoyment of the blessings of this period in the life of the British people.

14 Ibid., pp. 33-42.

15 Hetherington, History of the Church of Scotland, p. 200.

This period of blessing, however, was too brief to test fully the welfare of a nation whose God is the Lord. The hour was soon marred by the acts of an unprincipled king and his followers. Charles II was forced to flee for his life.<sup>16</sup> Oliver Cromwell invaded Scotland with an English army and gained a victory at Dunbar.<sup>17</sup> Under Cromwell's authority plans were formed to overthrow the Constitution. The faithful Presbyterians considered that they were bound to adhere to the Constitution; and because they opposed the malignants and their policy, they were called Protestors. Cromwell died in 1658, and his son Richard succeeded him.<sup>18</sup> He was wanting in capacity and ambition, so Charles II was restored to the throne in May, 1660. From this date to that of the Revolution Settlement in 1688, the period is called the "killing times".<sup>19</sup> The real sufferings of the Church of Scotland began with the date, 1660. In 1661, the Parliament required an oath of unlimited allegiance from all members instead of a subscription to the Covenants. The order and government of the Church were reversed; bishops were restored; all proceedings of the Church and State on behalf of reformation from 1638 to 1649 were pronounced treasonable; the Covenants, National and Solemn League,

16 Brown, History of Scotland, p. 450.

17 Ibid., pp. 444-446.

18 Ibid., p. 455.

19 Glasgow, History of the Reformed Presbyterian Church, p. 35.

were pronounced unlawful oaths; and all civil and ecclesiastical acts were regarded null and void. The whole work of the Reformation was overturned, and the Act of Supremacy making the King judge in all matters paved the way for the persecution which immediately followed.<sup>20</sup> For nearly thirty years the work of destruction continued waxing fiercer and fiercer. The blood of the martyrs flowed freely. The faithful fell like the harvest before the reaper. And amid these bloody persecutions the Covenanter Church came into prominence as the faithful witness of the great principles of the Reformation. Her members bore constant testimony for the divine authority of the Presbyterian form of church government as contrasted with Prelacy; for the exclusive Headship of the Lord Jesus Christ over the Church; for the supreme authority of the Mediator and His Law over the rulers of the Nation; and for the perpetual obligation of the Covenants. Such was the testimony sealed by the blood of the Covenanters.

At length the triumph of the Prince of Orange in 1688 brought a better day for Scotland. The Cameronians, who held fast to their faith when others fell away in the fiery trials of that sanguinary hour of darkness, thought that their cause was won. They expected the broken covenants to be renewed, but their hopes were not realized. The new church of 1690 did not accept the covenants for

20 Ibid., p. 36.



which the martyrs died. The Cameronians had owned Christ as King of Scotland which was the chief issue of the Persecuting Period. They insisted that Christ alone was King and head of the Church and of the Nation. The new church avoided all mention of the National Covenant and the Solemn League and Covenant. However, two principles were gained by the Settlement. The first was political liberty.<sup>21</sup> William was always a constitutional king who saw, as Rutherford did, that the "law is king". The second principle gained was religious toleration. James Renwick, who was executed in 1688, was the "last Covenanter to be put to death for his religion."<sup>22</sup>

Because of the rejection of the Covenants and the refusal to acknowledge Christ as king of the Nation, a remnant declined to enter the new church. At first three ministers remained with the Remnant, but these men were unequal to the task of resisting the popular pressure. For sixteen years this little band had no shepherd to minister to them. Then, in 1706, John Macmillan joined the Societies and alone served them for a period of thirty years.<sup>23</sup> In the spring of 1743, one of the Associate ministers, the Reverend Thomas Nairn, embraced the principles of the Societies and aligned himself with the Covenanters. The Reverend John Macmillan and he

21 Brown, History of Scotland, p. 488.

22 Ibid., p. 485.

23 Glasgow, History of the Reformed Presbyterian Church, pp. 47-49.

organized the Reformed Presbytery on August 1, 1743 at Braehead, Parish of Carnwath, Scotland.<sup>24</sup> With the establishment of a Presbytery the people took on new heart and soon were exerting a wide influence. In 1745, they again renewed the Covenants at Crawford-John.<sup>25</sup>

Some years later the Reverend John Macmillan carried the Covenanter ideals to Ireland where he organized a Presbytery in August of 1763.<sup>26</sup> Later, the Synod of the Reformed Presbyterian Church in Ireland was formed at Cullybackey, May 1, 1811. Thus, the Church, regularly constituted in both Ireland and Scotland, has continued to exist as a distinct denomination until the present time. The history of the Church is now transferred to America.

## II

### A HISTORY OF THE CHURCH IN AMERICA

The Reformed Presbyterian Church of North America grew out of the persecutions in Scotland. During the last persecution many of the God-fearing citizens of that country were banished.<sup>27</sup> Some were transported as felons, because they would not violate their conscience nor break their vows by acknowledging the supremacy of man to be above that of God and His Word, in either civil or ecclesi-

24 Ibid., p. 50.

25 Ibid., p. 51.

26 Ibid., p. 51

27 Ibid., p. 62.

astical affairs. Others left Scotland, because there was no prospect of freedom in their native country to worship God as they had been taught in the Bible. Other early settlers were attracted to this country in the hope of obtaining a livelihood. They had been impoverished through heavy fines and frequent imprisonments. They came like the Huguenots from France, like the Puritans from England, and like the Presbyterians from Holland, choosing liberty in a vast wilderness rather than suffering oppression in their native land.

The small groups of Covenanters who came to America had no plan for locating together. They were thinly scattered from Nova Scotia on the north to the Carolinas on the south, and far into the interior. The majority of them settled in Eastern Pennsylvania, New York, and South Carolina.<sup>28</sup> When two or three families settled in the same locality, they organized themselves into a society for the worship of God upon the basis of the Reformation. Their first churches were of logs hewn out of the surrounding forests. More often they worshipped in private homes or in barns.

The Covenanter bands were without a minister until 1743, when the Reverend Alexander Craighead joined them.<sup>29</sup> He led them in covenanting and dispensed the ordinances

<sup>28</sup> Ibid., p. 62.

<sup>29</sup> Ibid., p. 62.

for seven years. Failing to obtain help from the mother country, he returned to the Presbyterian Church.

Left again without a minister, the Societies made urgent applications to the Reformed Presbyterian Church in Scotland for help. The Reverend John Cuthbertson responded and arrived in America in August, 1751.<sup>30</sup> For twenty-two years he ministered to the scattered societies throughout Pennsylvania, New York, and other eastern states. He made his home at Little Octorara, Lancaster County, Pennsylvania, where the largest society was located. His traveling was done on horseback. He preached in log cabins during the winter and in the outdoors during the summer. Many hardships were endured by this servant of Christ which would be almost incredible to persons enjoying the conveniences and luxuries of this day. Oftentimes hungry and weary, he would spend the night amid the dangerous surroundings of Indians and wild beasts. His greatest anxiety, however, was for his flock. Other ministers joined his cause which gave him new encouragement for a time. Since there was little prospect for an organized church, these ministers became discouraged, and without exception, went into other denominations.

It was nearly twenty-five years later, on March 10, 1774, that the Reformed Presbytery was organized at Paxtang,

30 Ibid., p. 63.

Dauphin County, Pennsylvania.<sup>31</sup> In the spring of 1773, a Commissioner had been sent to Ireland from the Paxtang society to secure several ministers to assist Cuthbertson in the work in America. In response to his appeal the Reverends Matthew Linn and Alexander Dobbin came to America in December of the same year.<sup>32</sup> Thus, in the spring of 1774, it was possible to constitute a Presbytery. This Presbytery came to an end after the Revolutionary War when the majority of the ministers united with the Synod of the Associate Church to form the Associate Reformed Church. This new body was organized November 1, 1782.<sup>33</sup>

Once again the Covenanters in America were left without ministerial guidance. The scattered societies appealed to the Covenanters in Ireland and Scotland for ministers. Patiently they waited for seven years. Then, the Reverend James Reid was sent to America by the Presbytery of Scotland to make a survey of the field.<sup>34</sup> After a thorough investigation he returned to Scotland to report his findings. His visit led the churches in Ireland and Scotland to take action, for the Reverend James McGarragh came out from Ireland in the spring of 1791, and

31 Ibid., p. 63.

32 Ibid., p. 64.

33 Ibid., pp. 73-74.

34 Ibid., p. 76.

the Reverend William King came from Scotland in the fall of 1792.<sup>35</sup> It was not until the spring of 1798, however, that a Presbytery was again organized in America. At Philadelphia, in May of 1798, the Reverends Gibson and McKinney,<sup>36</sup> with ruling elders, constituted the REFORMED PRESBYTERY IN AMERICA.<sup>37</sup> This organization was distinctly American. For the past sixteen years the scattered bands had been guided by the Reformed Presbytery of Scotland. With this new organization the Church in America became independent of the Presbyteries across the seas.

One of the first judicial acts of the Presbytery was the stand taken against slavery. The Reverend Alexander McLeod refused to accept a call to the Church in Coldenham, New York, because there were some members who owned slaves.<sup>38</sup> The Presbytery enacted without a dissenting voice that "no slaveholder should be allowed the communion of the Church."<sup>39</sup> A committee was sent to South Carolina with the message of the Court that the Covenanters there must either emancipate their slaves or be refused the communion of the Church. This committee was satisfied beyond measure to learn that the Covenanters of South Carolina would "comply with the decree of Presbytery."<sup>40</sup> The Covenanters in America, therefore, were among the first

35 Ibid., p. 76.

36 Ibid., pp. 77-78. McKinney came to America in 1793; Gibson, in 1797.

37 Ibid., p. 78.

38 Ibid., p. 79.

39 Ibid., p. 79.

40 Ibid., p. 80.

citizens to condemn human slavery in this country.

The Synod of the Reformed Presbyterian Church of North America was organized in Philadelphia, May 24, 1809.<sup>41</sup> At the same time the Northern, Middle, and Southern Presbyteries were formed. In 1823, the Synod became a delegated body with two ministers and two elders from each Presbytery. Meetings were held every two years. Eight years later, in 1831, two Synods were formed. One Synod was called the Eastern Subordinate; the other, the Western Subordinate, with the Allegheny Mountains as the dividing line.<sup>42</sup> Synod was composed again of all the ministers of the Church and an elder from each congregation. Since 1861, the Synod meetings have been held annually.

Another important step in the organic history of the Church was the provision made for the preparation of the Testimony. As early as 1802, the Reformed Presbytery appointed a committee to prepare a Testimony. This committee was to seek the advice and help of all the ministers in America and the Presbyteries in Scotland and Ireland. The chairman of the committee, the Reverend Alexander McLeod, assigned different departments to different ministers. For four years this committee labored diligently on the Testimony. Their report was submitted to the Reformed Presbytery at its meeting in May, 1806 and was unanimously

41 Ibid., p. 82.

42 Reformation Principles, Part I, pp. 139-140.

adopted.<sup>43</sup> It was ordered to be published as soon as possible under the title "The Declaration and Testimony of the Reformed Presbyterian Church in America."

In 1807, a committee was appointed to draw up a suitable covenant "embracing the spirit and design of the vows entered into by our fathers in the Reformation."<sup>44</sup> This work was not attended to for many years. More than half a century passed before the Church awoke to her neglect, and the Covenant, known to the Church in America as the Covenant of 1871, was "subscribed by seventy-four ministers, seventy elders, and by five licentiates, four students of theology, and nineteen elders not members of the Synod at that session."<sup>45</sup> The signing of the Covenant took place in the old Eighth Street Church, Pittsburgh, Pennsylvania.<sup>46</sup>

The Terms of Communion were prepared and adopted in 1819. They continued in use until 1938 when a few unessential alterations were made, and as thus revised, were adopted by the Church.<sup>47</sup>

A Directory for Worship and a Book of Discipline were prepared and adopted also by the Synod of 1819.<sup>48</sup> For a number of years a committee has been working on a new Book of Discipline to be submitted to the Synod of the Church as soon as it can be prepared.

43 Glasgow, History of the Reformed Presbyterian Church, p.81.

44 Ibid., p. 82.

45 Ibid., p. 137.

46 The writer of this thesis was a member of that church for some years.

47 In 1872, the Covenant of 1871 was added to the fourth term. For the terms see Appendix II, pp. 307-309.

48 Glasgow, History of the Reformed Presbyterian Church, p.82.



The first Theological Seminary of the Church was opened in Philadelphia, May, 1810.<sup>49</sup> In the early days of the Church in America a minister was chosen as the professor. If there were a number of men studying for the ministry, several ministers were chosen to direct them in their studies. Each minister would have one student living with him during the winter months. By this method young men prepared themselves for the Gospel Ministry. In 1840, the Seminary was located in Allegheny, Pennsylvania; two professors gave their full time to teaching.<sup>50</sup> It has remained in the vicinity of Pittsburgh, Pennsylvania, ever since.<sup>51</sup>

Another important work of the Church has centered around Geneva College.<sup>52</sup> In 1834, the Reverend John Black Johnston began to teach a class of young men in his study. The number in the class far exceeded his expectations, and he conceived the idea of founding a Grammar School. He laid the matter before his Presbytery, but it was not until 1847 that the project was received favorably. With the support of the Presbytery Geneva Hall was founded at Northwood, Ohio, in April of 1848. The school advanced with rapid strides during the next decade. War clouds then began to gather; young men were summoned to the Civil War; and the school was closed for

49 Ibid., p. 82, pp. 753-755.

50 Ibid., p. 107.

51 The City of Allegheny is now a part of Pittsburgh, Pennsylvania.

52 Glasgow, History of the Reformed Presbyterian Church, pp. 755-758.

a period. It was reopened after the war, and both white and colored students were given the opportunity of a higher education. A new charter was secured in 1872, and the institution has been known since that time as Geneva College. Due to the fact that many of the Reformed Presbyterian churches were situated near Pittsburgh, Pennsylvania, the Synod of 1880 decided to locate the College in that vicinity in order to make it more convenient for the young people of the Church. The following year the College was moved to Beaver Falls, Pennsylvania, about thirty miles northwest of Pittsburgh. A new building, which has become dear to graduates as "Old Main", was erected at the cost of forty thousand dollars. Since that day the school has grown in numbers and influence. Today there are eight large buildings: Old Main, Science Hall, William P. Johnston Gymnasium, McKee Hall (for women), North Hall (for men), Alumni Hall, the President's Home, and the MacCartney Library. The last named was erected in 1930 and contains about twenty-six thousand volumes.<sup>53</sup> A conservative estimate of the campus with all the buildings is close to one million dollars to which there is to be added an endowment fund of over six hundred and fifty thousand dollars--thus making the total present-day assets of the college fully one million five hundred thousand dollars.<sup>54</sup> By action of the Board of

53 Geneva College Bulletin, 1936-1937, p. 29.

54 Thompson, Sketches of the Ministers of the Reformed Presbyterian Church of North America, 1888-1930, p. 420.

Trustees the number is limited to five hundred students, and the entering class, to two hundred students.<sup>55</sup> The College Bulletin has the following statement concerning its standing at the present time: "Geneva College is accredited by the Middle States Association of Colleges and Secondary Schools, and is a member of the Association of University Women. It is also approved by the Department of Education of its own and neighboring states."<sup>56</sup> Her graduates are received in the best graduate schools of this and other countries. For a period of eighty-nine years the College has been sending out her Christian influence. Her graduates are to be found in every part of the world.

Another important phase in the work of the Reformed Presbyterian Church is her Foreign Mission enterprise. As early as 1818, a committee was appointed to consider the expediency of establishing a Foreign Mission.<sup>57</sup> Because of the small number of members little progress was made. The Reverend Joseph Washington Morton was sent to Port au Prince, Hayti, in 1847, but the work there was soon abandoned. In 1856, Syria was chosen, and two ministers were sent to this field. Under persecution and trial these men labored establishing a work that has continued to this day. Latikia, Aleppo, Suadea, Tarsus, and Cyprus

55 Geneva College Bulletin, 1936-1937, p. 34.

56 Ibid., p. 17.

57 Glasgow, History of the Reformed Presbyterian Church, p. 760.

have been the chief centers of work. The most extensive work has been done on the Island of Cyprus. There is a school for girls in Nicosea with one hundred and sixty students and a boy's school in Larnaca with two hundred and seventy-five students.<sup>58</sup> Mission work is also being carried on in Limassol and in Kyrenia.

In the fall of 1895, two ministers and their wives sailed for South China. The next spring a mission station was located at Tak Hing on the West River about one hundred and fifty miles northwest of Canton.<sup>59</sup> The Boxer movement disturbed the work for a few years, but since that time, it has grown with rapid strides. Additional missionaries were added to the force; twenty-eight representatives are on the field today. In 1913, another station was opened some miles to the south of Tak Hing in the village of Lo Ting.<sup>60</sup> Educational work has been stressed particularly in this field, whereas in the northern section medical work has been carried on chiefly. The Minutes of Synod for 1938 show that there are six hundred and fifty-six members of the Reformed Presbyterian Church in South China.<sup>61</sup> The work has been steadily going forward during the last forty-three years.

In October, 1930, a party of missionaries set out for Manchuria to begin a new missionary enterprise.<sup>62</sup> In the

58 Minutes of Synod, 1938, p. 175.

59 Robb, Forty Years in Our China Mission, p. 1.

60 Ibid., p. 6.

61 Minutes of Synod, 1938, p. 177.

62 Vos, Our Mission in Manchuria, p. 3.

following year a station was organized at Tsitsihar. At first, Bible classes were held in the homes of the missionaries. These classes grew so rapidly that it was necessary to secure a hall. The first convert was baptized on December 10, 1933. From this small beginning the work now reaches out to distant villages where chapels have been rented, and regular services are being held. Seven missionaries are in active service in Manchuria, and sixty-one persons are now on the roll of the Manchurian Reformed Presbyterian Church.<sup>63</sup>

Although the Church is small in numbers, it has endeavored to do her part in the Kingdom of God. These enterprises could not have been carried forward with success, if the members of the Church had not given both time and money far above the average. The Minutes of Synod for 1938 show that there are only 6430 members in the United States and Canada, but this number gave \$220,038 to the work of the Kingdom of God, an average of \$34.22 from each member.<sup>64</sup> The members of the Reformed Presbyterian Church of North America call themselves Bible Christians. They believe that they should give, first of all, their tithe; and as God prospers them, additional offerings should be given for His work. Without such a belief it would be impossible to carry on the work of the Church financially.

63 Minutes of Synod, 1938, p. 177.

64 Minutes of Synod, 1938, p. 120.

The reason, however, for the Church's continuation cannot be based on her liberality alone, for certain great ideals taught in the Word of God have done even more to keep her alive and awake. It is to keep these ideals before the world that she exists, for though her numbers may slowly decrease, so also did the army of Gideon until there were but three hundred left. These ideals will be given in brief.

### III

#### THE DISTINCTIVE PRINCIPLES OF THE REFORMED PRESBYTERIAN CHURCH IN NORTH AMERICA

The Reformed Presbyterians use no hymns of human composition in the service of divine worship.<sup>65</sup> They believe that God has given to His Church a complete manual of praise in the Book of Psalms and has never delegated to any uninspired man the authority to substitute human songs to take the place of that manual. The Psalms of the Bible were used in the temple and in the synagogue. Christ and His Apostles used the Psalms in divine worship under the present dispensation, and on the night of the institution of the Lord's Supper they sang the Great Hallel.<sup>66</sup> The Reformed Presbyterian Church conscientiously and unequivocally adheres to the exclusive use of the One Hundred and Fifty Psalms of the Bible in the worship of God. Among

65 Reformation Principles, Part II, Chapter XXIV, Section 8, p. 221.

66 Psalms 113-118.

the reasons that might be mentioned, these are three that may be named as outstanding: (1) God has never authorized anyone to introduce into His worship anything which He has not Himself prescribed. (2) Christ and the New Testament Church used, and thus sanctioned the use of, the songs of Zion preserved for us in the heart of the Bible and penned by men who "spake as they were moved by the Holy Ghost". (3) Many of the hymns which are used in the American churches are self-centered and weak and not infrequently infiltrated with erroneous doctrine.

Another noteworthy circumstance in the history of the Reformed Presbyterian Church is that she has never used instrumental music in the worship of God.<sup>67</sup> The Covenanters, of course, are aware of the fact that instruments were used by the Levites in the tabernacle and temple worship while the priests were offering the sacrifices. As these services, however, were wholly typical and were consequently to be abolished at the coming of Christ, it stands to reason that all the accompaniments and material supports of such service would have to go with the incoming of what they helped to foreshadow. Christ never intimated, either directly or through any of the New Testament writers, that instruments were ever to be used in worship; but on the contrary, in His conversation with the woman at the well<sup>68</sup> He declared explicitly

67 Reformation Principles, Part II, Chapter XXIV, Sections 1 and 8, pp. 218-221.

68 John 4:7-27.

that the temple worship, whether on Gerizim or in Jerusalem, was to be abolished, and that the synagogue worship, which then was, was to be continued through the coming ages. The early church, accordingly, did not use instruments. After speaking of the typical and ceremonial worship of the temple, William D. Killen, in The Ancient Church, writes: "The worship of the synagogue was more simple. Its officers had, indeed, trumpets and cornets, with which they published their sentences of excommunication, and announced the new year, the fasts, and the Sabbath; but they did not introduce instrumental music into their congregational services. The early Christians followed the example of the synagogue; and when they celebrated the praises of God 'in psalms, and hymns, and spiritual songs,' (Eph.v,19. According to some, the Psalmes were divided into these three classes) their melody was 'the fruit of their lips.' For many centuries after this period, the use of instrumental music was unknown in the Church."<sup>69</sup>

Furthermore, the Reformed Presbyterians exclude from their communion all members of oath-bound societies.<sup>70</sup> Christ ever spoke openly to the world. He said specifically, "In secret have I said nothing."<sup>71</sup> His religion was a system of light. He pointed out that "men loved darkness

69 Killen, The Ancient Church, pp. 216-217.

70 Reformation Principles, Part II, Chapter XXII, Error 7, p. 214.

71 John 18:20.



rather than light, because their deeds were evil."<sup>72</sup> One of the greatest objections to the lodge is that men are required to swear to "keep secret the proceedings of the lodge and the confidential communications of brother Masons. He must obey the rules and regulations of the order and the edicts of the lodge."<sup>73</sup> The Church does not say to a man, "Come into the Church and then we shall tell you what the ideals of the Church are." The beliefs of the Church are carefully explained to the inquirer, before he is asked to accept them. To become a member of the lodge, a man must swear to something about which he has not been informed.<sup>74</sup>

Finally, one of the great principles of the Reformed Presbyterian Church of North America is the subject to be treated in this thesis--CHRIST'S KINGSHIP OVER THE NATIONS. Covenanters bear testimony for the Crown as well as for the Cross of Jesus Christ. If Christ is the "King of Nations", the nations should acknowledge Him as such. To hold this great ideal before the people of America is deemed to be a worthwhile reason for existence. For this principle the Reformed Presbyterian Church of North America lives and labors. As in the past when our forefathers were shedding their blood under the aegis of the Blue Banner, even so now our motto still continues to be "FOR CHRIST'S CROWN AND COVENANT".

72 John 3:19.

73 Blanchard, Modern Secret Societies, p. 95.

74 Ibid., pp. 85-92.

PART I

THE DOCTRINE OF THE HEADSHIP OF CHRIST SET FORTH

CHAPTER I  
SCRIPTURAL TEACHING

- I. The Origin and the Nature of the Nation
- II. The Qualifications and Duties of Civil Officers
- III. The Rulership of Christ Over the Nations

## CHAPTER I

### SCRIPTURAL TEACHING

Granting that the Bible is the revealed will of God, we are obliged to accept its laws as authoritative in every sphere of human life. It could not be the perfect and adequate revelation of the will of God to the human race, however, if it did not give us all the principles of conduct in so important a domain as that of the State. Indeed, as a matter of fact, a very large portion of the Word of God deals with the principles of political science. Both the Old and New Testaments are replete with illuminating references to the corporate personality and the corresponding obligations and responsibilities that inhere in the body politic. The present trend of the world at large toward dictatorship and the totalitarian state calls us to consider anew the teaching of Scripture in its bearing on the way in which a Christian citizen, or even an intelligent worldly man, ought to conduct himself within the realm of civic life. In the present chapter it will be possible, of course, to give but a general survey of the subject.

The belief is well-nigh universal that nations sustain some relation to God as the Supreme Ruler of the Universe. Few, at least in seasons of distress, would have the temerity to dispute such a proposition. When Abraham Lincoln, on March 30, 1863, proclaimed a fast, it was acknowledged everywhere throughout the North that it was the ideally

proper thing to do. It postulates the divine sovereignty explicitly and unequivocally. Lincoln said: "Whereas the Senate of the United States, devoutly recognizing the supreme authority and just government of Almighty God in all the affairs of men and nations, has, by a resolution, requested the President to designate and set apart a day for national prayer and humiliation;

"And whereas it is the duty of nations, as well as of men, to own their dependence upon the overruling power of God, to confess their sins and transgressions in humble sorrow, yet with assured hope that genuine repentance will lead to mercy and pardon, and to recognize the sublime truth announced in the Holy Scriptures, and proven by all history, that those nations only are blessed whose God is the Lord;

"And insomuch as we know that, by his divine law, nations, like individuals, are subjected to punishments and chastisements in this world, may we not justly fear that the awful calamity of civil war, which now desolates the land, may be but a punishment inflicted upon us for our presumptuous sins to the needful end of our national reformation as a whole people?"<sup>1</sup> Men of the present generation are willing to admit that God moves and controls nations. The President of the United States in the Thanksgiving Proclamation of 1937 definitely pointed to this belief: "The custom of observing a day of public thanksgiving began in Colonial times and has been given the sanction of national

<sup>1</sup> Lincoln, Complete Works, II, p. 319.

observation through many years. It is in keeping with all our traditions that we, even as our fathers in olden days, give humble and hearty thanks for the bounty and the goodness of Divine Providence..... Let us, therefore, on the day appointed forego our usual occupations and, in our accustomed places of worship, each in his own way, humbly acknowledge the mercy of God from whom comes every good and perfect gift."<sup>2</sup> And yet, in spite of this admission, the true relationship between the nations of the earth and the Lord Jesus Christ is by no means commonly recognized in the United States today.

It is evident that but little help can come from the light of nature or from human philosophy in respect to this proposition. They can neither affirm nor deny the truthfulness of the statement. On the other hand, scriptural proof is abundant and clear. John Milton wrote concerning the Scriptures and civil government:

And better teaching  
The solid rules of civil government,  
In their majestic, unaffected style,  
Than all the oratory of Greece and Rome.  
In them is plainest taught, and easiest learnt,  
What makes a nation happy, and keeps it so,  
What ruins kingdoms, and lays cities flat.<sup>3</sup>

The Word of God reveals a three-fold relationship between Christ and nations. He is the nation's Prophet, Priest, and King. The twenty-second Psalm, which is

2 Statutes at Large of the United States, 75th Congress, 1937, Vol. LI, pp. 401-402.

3 Milton, Paradise Regained, Book iv, p. 275, ll. 357 ff.

Messianic,<sup>4</sup> sets forth these offices with distinctness and prominence. His sacrificial sufferings as our atoning high priest are presented in the first twenty-two verses. His prophetic office, as to its spirit, scope, and aim, is clearly set forth in verses twenty-three through twenty-five. His kingly office is presented in the closing verses of the Psalm, twenty-six through thirty-one, especially in these words: "All the ends of the world shall remember and turn unto the Lord: and all the kindreds of the nations shall worship before thee. For the kingdom is the Lord's: and he is governor among the nations."<sup>5</sup>

Men quickly agree that Christ is the nation's Prophet and Priest, but as to His being the nation's King, there is an immediate disagreement. The task before us now will be to present the scriptural proof that Christ is the King of Nations in that He exercises supreme authority over them, punishes them for sin, rewards them for righteousness, and uses them for the advancement of His cause.

## I

### THE ORIGIN AND THE NATURE OF THE NATION

God is the author of all national life, for creative power belongs to God alone. Paul wrote to the Romans that the "powers that be are ordained of God."<sup>6</sup> We declare His dominion to be universal. If it is universal, nations must

4 Delitzsch, Commentary on the Psalms, I, p. 374;  
McClaren, The Expositor, III, pp. 61-62.

5 Psalm 22:27-28.

6 Romans 13:1.

be included. After giving to the Children of Isarel certain statutes and ordinances which they were to keep, God gave them the reasons for keeping them. In addition to these reasons, He pointed out the One who brought them into existence as a nation when He said, "To make thee high above all nations which he hath made."<sup>7</sup> In the eighty-sixth Psalm the same truth is expressed, "All nations whom thou hast made shall come and worship before thee, O Lord; and shall glorify thy name."<sup>8</sup> Paul used this argument in his sermon to the men of Athens who were worshipping "an unknown God," to endeavor to win them to Christ. He eloquently proclaimed, "God that made the world and all things therein....hath made of one blood all nations of men for to dwell on all the face of the earth."<sup>9</sup>

Moreover, God brings each particular nation into existence in its own time in the progress of the world's history. In the same address the Apostle said, "He hath made of one blood all nations of men for to dwell on all the face of the earth, and hath determined the times before appointed."<sup>10</sup> So also in the Song of Moses the writer spoke about the nations receiving their providential assignments, "When the Most High divided to the nations their inheritance, when he separated the sons of Adam, he set the bounds of the people according to the number of the children of Israel."<sup>11</sup>

7 Deuteronomy 26:19.

8 Psalm 86:9.

9 Acts 17:24-26.

10 Acts 17:24-26.

11 Deuteronomy 32:8.



God gives to each nation its own territory. In the passages just quoted, we are told that "he set the bounds of the people,"<sup>12</sup> and that He determines "the bounds of their habitation."<sup>13</sup> In affirming the power of God, Job answered Zophar the Naamathite with these words, "He increaseth the nations, and destroyeth them: he enlargeth the nations, and straiteneth them again."<sup>14</sup> Long before Israel came into possession of Palestine, God promised them this land. He commanded Abraham to leave Ur and go "unto a land that I will shew thee."<sup>15</sup> At the burning bush the Lord said to Moses, "I am come down to deliver them out of the hand of the Egyptians, and to bring them up out of that land unto a good land and a large, unto a land flowing with milk and honey; unto the place of the Canaanites, and the Hittites, and the Amorites, and the Perizzites, and the Hivites, and the Jebusites."<sup>16</sup> This territory along the eastern shore of the Mediterranean east to the Jordon was to be the country of the Children of Israel. In time God led them to the land which He had promised to give them as their own possession.

Again, as a just ruler of nations it is God's indefeasible right to take away national life, as well as to bestow and maintain it. The punishment that came upon the nation of Amalek is one of the most striking illustrations

12 Deuteronomy 32:8.

13 Acts 17:26.

14 Job 12:23.

15 Genesis 12:1.

16 Exodus 3:8.

in the Scriptures of national death. In the days of Saul, Amalek was smitten for what he had done against Israel when the latter came out of Egypt. The command that God gave Samuel in respect to the destruction of this nation was, "Now go and smite Amalek, and utterly destroy all that they have, and spare them not."<sup>17</sup> Another striking passage is found in the prophecy of Jeremiah, "At what instant I shall speak concerning a nation, and concerning a kingdom, to pluck up, and to pull down, and to destroy it; If that nation, against whom I have pronounced, turn from their evil, I will repent of the evil that I thought to do unto them. And at what instant I shall speak concerning a nation, and concerning a kingdom, to build up and to plant it; If it do evil in my sight, that it obey not my voice, then I will repent of the good, wherewith I said I would benefit them."<sup>18</sup>

Then, too, the Nation, a being which God creates and which He rewards for its righteousness or destroys for its sins, is a moral being to which God has given supreme law. This truth is plainly and repeatedly proven in the Bible. It is implied in the early record of King Abimelech of Gerar when the monarch asked, "Lord, wilt thou slay also a righteous nation?"<sup>19</sup> In the same connection he said to Abraham, "What hast thou done unto us? and what have I offended thee, that thou hast brought on me and on my kingdom a great sin?"<sup>20</sup> Accordingly, to this moral entity,

17 I Samuel 15:3.

18 Jeremiah 18:7-10. See Isaiah 60:12; Psalm 2:9.

19 Genesis 20:4.

20 Genesis 20:9.

this corporate being, God, as a moral Governor, would have to give, as He did give, a law: "Now these are the commandments, the statutes, and the judgments, which the Lord your God commanded to teach you, that ye might do them in the land whither ye go to possess it: That thou mightest fear the Lord thy God, to keep all his statutes and his commandments, which I command thee, thou, and thy son, and thy son's son, all the days of thy life; and that thy days may be prolonged. Hear therefore, O Israel, and observe to do it; that it may be well with thee, and that ye may increase mightily, as the Lord God of thy fathers hath promised thee, in the land that floweth with milk and honey."<sup>21</sup> Again, "All the commandments which I command thee this day shall ye observe to do, that ye may live, and multiply, and go in and possess the land which the Lord sware unto your fathers."<sup>22</sup>

Finally, civil government, the institution for the control of national life, is ordained of God and is to be obeyed as a divine institution. In his Epistle to the Romans, Paul urged the Christians in that city to be obedient to the higher powers, because they were ordained of God: "Let every soul be subject unto the higher powers. For there is no power but of God: the powers that be are ordained of God. Whosoever therefore resisteth the power, resisteth the ordinance of God."<sup>23</sup> In this passage civil

<sup>21</sup> Deuteronomy 6:1-3.

<sup>22</sup> Deuteronomy 8:1.

<sup>23</sup> Romans 13:1-2.

governments are called "powers". The term here used (*ἡγεμονία*) is employed to denote any species of authority-- paternal, ecclesiastical, magisterial. That in this instance it means civil rule, is abundantly clear from the whole tenor of the passage. Having stated the duty, the Apostle proceeds to show the grounds on which it rests. He goes on to say that rulers derive their power from God, or in other words, that government is a divine institution originating in, and of course, sanctioned by the will of God. "For", he writes, "there is no power but of God." This principle is true, whatever sense we attach to the word "power". All physical power in every department of creation is from God: "In him we live, and move, and have our being,"<sup>24</sup> and, "By him all things consist."<sup>25</sup> Again, if we understand "power" to be the possession of the reins of government, certainly, it is through Him that kings are permitted to occupy their thrones. For instance, Pharaoh was "raised up" in the course of that providence which controls all the affairs of men. God "gave the kingdom" to Jeroboam, wicked as Jeroboam was. The same hand "raised up" Cyrus. In like manner, Jesus expressly declared to Pilate, the unholy Roman governor, "Thou couldest have no power at all against me, except it were given thee from above."<sup>26</sup> In other words, the Most High has made provision for the exercise of civil authority. He has not left mankind to be controlled only by such

24 Acts 17:28.

25 Colossians 1:17.

26 John 19:11.

governments as that of parents over their children or of church rulers over members of the church. He has provided also for the setting up and for the administering of another kind of power having its own peculiar ends and its limits as well as its rulers and its administrators-- the power of civil government. That is to say, God has willed the existence of a national organization and polity, and in so doing, has fixed the ends which it must subserve, has given it a supreme law which it must undertake to obey, and has bound it by limits which it may not pass over. Peter likewise urged the same principle. He wrote to the sojourners of the Dispersion: "Submit yourselves to every ordinance of man for the Lord's sake: whether it be to the king, as supreme; Or unto governors, as unto them that are sent by him for the punishment of evildoers, and for the praise of them that do well..... Honour all men. Love the brotherhood. Fear God. Honour ~~the~~ king."<sup>27</sup> Here the intimation is most clear that they were to be obedient to the ruler and to give him that honor which belonged to him, because he was at the head of the institution ordained by God.

The passages cited from the writings of Paul and Peter represent civil government in its twofold aspect as an ordinance of God and as an ordinance of man. In his Messiah the Prince, William Symington clearly sets forth the distinction. "In as far," he says, "as it is the right

<sup>27</sup> I Peter 2:13-17.

of the people to fix the constitution, to elect rulers, and to revise and amend the system under which they live, civil government may be regarded as an ordinance of man. But it is not to be inferred from this, that it depends solely on the will of man whether civil institutions should be set up in a country at all, that civil society originates wholly in voluntary compact, or that whatever is sanctioned by the public will is necessarily right, and consequently obligatory. The most frightful results would follow from admitting such an absolute sovereignty of the people as this. There are too many instances on record, of the great body of the people having gone egregiously astray, ever to permit us to give our unqualified assent to such a principle. Indeed, it is manifestly absurd, to suppose that the majority of a nation should be free from the moral control of the law and authority of God, in the formation of their civil institutions. This were to ascribe to an aggregate body, composed of moral subjects who are individually responsible, a proud, irreligious, irresponsible independence of the will of the great moral Governor himself;--a supposition so monstrous that, however much overlooked in practice, every one must shrink from it in theory. It is admitted that God has invested the people with power in political matters, and that the people of course have a right to the exercise of this power; but it is at the same time to be attentively observed that he has given them a law by which they are to be regulated in the use of this

power, and it is only when they act according to the law given them that their determinations and institutions possess the sanction and obligation of righteousness."<sup>28</sup>

Summing up the above teachings of the Old and New Testaments, we have the teachings of Christian political science in reference to the origin and nature of the Nation. It has been shown that God is the author of all national life; that God brings each particular nation into existence in its own time in the progress of the world's history; that God gives to each nation its own territory; that, as a just ruler of nations it is God's indefeasible right to take away national life, as well as to bestow and maintain it; that, the Nation, a being which God creates and which He rewards for its righteousness or destroys for its sins, is a moral being to which God has given supreme law; and that civil government, the institution for the control of national life, is ordained of God and is to be obeyed as a divine institution.

Hence, just as a legal person (i.e., a corporation) deriving its corporate existence from the State is bound to acknowledge in its charter the political power which gives it existence, so the Nation which derives its very being from God is bound to acknowledge in its charter or fundamental law the Author of its being and Source of its authority. As we shall prove later, the fundamental law of the United States makes no such acknowledgment.<sup>29</sup>

<sup>28</sup> Symington, *Messiah the Prince*, pp. 213-214.

<sup>29</sup> Chapter II, Section III, pp. 91-113.

## II

## THE QUALIFICATIONS AND DUTIES OF CIVIL OFFICERS

The Word of God requires moral and religious qualifications and duties of civil officers.

In the first place, civil rulers are ministers of God deriving all just authority ultimately from Him. "By me kings reign, and princes decree justice. By me princes rule, and nobles, even all the judges of the earth."<sup>30</sup> The term "by me" refer to the personal wisdom of God or God in Christ, who, as Paul says, is "the wisdom of God."<sup>31</sup> It is God who commissions monarchs with the right to reign over nations. Paul pointed this out to the Christians in Rome when he said: "For he is the minister of God to thee for good. But if thou do that which is evil, be afraid; for he beareth not the sword in vain: for he is the minister of God, a revenger to execute wrath upon him that doeth evil. Wherefore ye must needs be subject, not only for wrath, but also for conscience sake. For for this cause pay ye tribute also: for they are God's ministers, attending continually upon this very thing."<sup>32</sup> Here, Paul is referring to the civil ruler as the head of a nation. Ministers of the gospel are called "servants" (διδάκοντες) of Christ inasmuch as they administer a divinely appointed ecclesiastical constitution and perform in Christ's name duties which he has prescribed for the attainment of ends

30 Proverbs 8:15-16.

31 I Corinthians 1:24.

32 Romans 13:4-6.



clearly expressed in the laws pertaining to the church's organization. Civil rulers, likewise, are called by Paul "servants" (διδάκοντες) of God, for they are called to administer a divine institution for the promotion of the ends contemplated in the ordinance of civil society.

In the second place, civil rulers hold their trust from God to protect and enforce right and to restrain and punish evil-doers. For rulers are not to be "a terror to good works", as so many of them are today, but "to evil." "Wilt thou then not be afraid of the power? do that which is good, and thou shalt have praise of the same."<sup>33</sup> The magistrate who receives his trust from God (Romans 13:4-6 above) is God's servant employed for the good of God's people. He is appointed that he might be useful in making secure the rights, the liberty, and the safety of every citizen as well as his property. He is a minister for good; therefore, evil doers have reason to fear the power of the magistrate, for he is invested from on high with punitive powers. For the benefit of the people themselves every magistrate is called upon to use this power against all forms of evil.

In like manner, Peter wrote: "Submit yourselves to every ordinance of man for the Lord's sake: whether it be to the king, as supreme; Or unto governors, as unto them that are sent by him for the punishment of evildoers, and for the praise of them that do well."<sup>34</sup> These passages set

<sup>33</sup> Romans 13:3.

<sup>34</sup> I Peter 2:13-14.

forth the truth that civil rulers receive their trust from God to protect and enforce right and to restrain and punish evil doers, even though they may not have acknowledged the source of their authority.

It follows, therefore, in the third place, that none but able, honest, just, and God-fearing men should be elected to the office of civil ruler. Moses' father-in-law advised him to set rulers over the people: "Moreover thou shalt provide out of all the people able men, such as fear God, men of truth, hating covetousness; and place such over them, to be rulers of thousands, and rulers of hundreds, rulers of fifties, and rulers of tens."<sup>35</sup> This advice was to be taken only if God should command it: "If thou shalt do this thing, and God command thee so, then thou shalt be able to endure, and all this people shall also go to their place in peace."<sup>36</sup> The assumption is clear that Moses inquired of God concerning this matter, for he "did all that he had said."<sup>37</sup> In the Psalm of praise which David sung unto God, for delivering him from all his enemies, he used these words: "The Spirit of the Lord spake by me, and his word was in my tongue. The God of Israel said, the Rock of Israel spake to me, He that ruleth over men must be just, ruling in the fear of God."<sup>38</sup> All civil officers, therefore, should be men who recognize Christ's authority and who conform themselves to it as supreme in all relations

35 Exodus 18:21.

36 Exodus 18:23.

37 Exodus 18:24.

38 II Samuel 23:2-3.

of human life. Otherwise, they are not men imbued with the basal ideas of Christ's teaching which they necessarily need in order that they might make the application to moral life and public welfare. It amounts to the absurdity of acting in the position of "ministers of God" yet of repudiating God's authority and the application of His laws in His own institution. The office is taken and the owner is locked out.

In the fourth place, rulers who turn from serving God are rejected by Him. This truth is portrayed vividly in the record of King Saul of Israel, as well as in the record of later kings that led Israel into sin until the nation was carried into captivity. "And the Lord said unto Samuel, How long wilt thou mourn for Saul, seeing that I have rejected him from reigning over Israel? Fill thine horn with oil, and go, I will send thee to Jesse the Bethlehemite: for I have provided me a king among his sons."<sup>39</sup> Ahijah spoke to the wife of Jeroboam who came in disguise to inquire concerning her sick child: "Go, tell Jeroboam, Thus saith the Lord God of Israel, Forasmuch as I exalted thee from among the people, and made thee prince over my people Israel, And rent the kingdom away from the house of David, and gave it thee: and yet thou hast not been as my servant David, who kept my commandments, and who followed me with all his heart, to do that only which was right in mine eyes; But hast done evil above all that were before thee: for thou hast gone and made thee other gods, and molten images, to provoke me to anger, and hast cast me behind thy back. There-

39 I Samuel 16:1.

fore, behold, I will bring evil upon the house of Jeroboam, and will cut off from Jeroboam....him that is shut up and left in Israel, and will take away the remnant of the house of Jeroboam, as a man taketh away dung, till it be all gone."<sup>40</sup> Concerning the house of Jehu we read: "This was the word, of the Lord which he spake unto Jehu, saying, Thy sons shall sit on the throne of Israel unto the fourth generation. And so it came to pass."<sup>41</sup> This prophecy was uttered because Jehu took no heed to walk in the law of God and did not depart from the schismatic calf worship.<sup>42</sup> The dynasty continued four generations. It came to an end with the assassination of Zachariah by Shallum.<sup>43</sup>

In the fifth place, civil rulers are enjoined to acquaint themselves with God's law and to acknowledge and obey it. In the second Psalm we read: "Be wise now therefore, O ye kings: be instructed, ye judges of the earth. Serve the Lord with fear, and rejoice with trembling. Kiss the Son, lest he be angry, and ye perish from the way, when his wrath is kindled but a little. Blessed are all they that put their trust in him."<sup>44</sup> Jehoash, we are told, was instructed by the priest Jehoiada: "And Jehoash did that which was right in the sight of the Lord all his days wherein Jehoiada the priest instructed him."<sup>45</sup>

It follows, then, that civil rulers are required to

40 I Kings 14:7-10.

41 II Kings 15:12.

42 See II Kings 10:29-31.

43 See II Kings 15:8-12.

44 Psalm 2:10-12.

45 II Kings 12:2.

consult the revealed law of God, for it was the law-book for Israel even as it is today for all nations. Among the laws given to the Jewish Commonwealth, this one concerning the king stands out boldly: "And it shall be, when he sitteth upon the throne of his kingdom, that he shall write him a copy of this law in a book out of that which is before the priests the Levites: And it shall be with him, and he shall read therein all the days of his life: that he may learn to fear the Lord his God, to keep all the words of this law and these statutes, to do them: That his heart be not lifted up above his brethern, and that he turn not aside from the commandment, to the right hand, or to the left: to the end that he may prolong his days in his kingdom, he, and his children, in the midst of Israel."<sup>46</sup>

In the sixth place, a nation may expect to have peace and prosperity when the rulers are just and God-fearing men. In the same Psalm of praise quoted previously, David says that God spoke to him in these words: "He that ruleth over men must be just, ruling in the fear of God. And he shall be as the light of the morning, when the sun riseth, even a morning without clouds; as the tender grass springing out of the earth by clear shining after rain."<sup>47</sup> It was said of Solomon's reign that "he had peace on all sides round about him."<sup>48</sup>

In the passages cited above, therefore, we have the

46 Deuteronomy 17:18-20.

47 II Samuel 23:3-4.

48 I Kings 4:24.

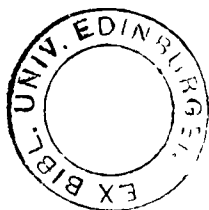
teachings of Scripture concerning the qualifications and duties of civil officers. It has been shown that civil rulers are ministers of God deriving all just authority ultimately from Him; that civil rulers hold their trust from God to protect and enforce and to restrain and punish evil-doers; that none but able, honest, just, God-fearing men should be elected to the office of civil ruler; that rulers who turn from serving God are rejected by Him; that civil rulers are called upon to ascertain what God's law is and to acknowledge and obey it; that civil rulers are required to consult the revealed will of God, for it is the law-book of the nations; and that a nation may expect peace and prosperity when the rulers are just and God-fearing men.

### III

#### THE RULERSHIP OF CHRIST OVER THE NATIONS

Christ's dominion is declared to be universal. If it is universal, nations must be included. Therefore, He has authority over nations. Paul wrote to the Ephesians that Christ had been exalted "far above all principality, and power, and might, and dominion, and every name that is named, not only in this world, but also in that which is to come."<sup>49</sup> He said again that because the Lord Jesus humbled Himself even unto death "God also hath highly exalted him, and given him a name which is above every name: That

49 Ephesians 1:21.



at the name of Jesus every knee should bow, of things in heaven, and things in earth, and things under the earth; And that every tongue should confess that Jesus Christ is Lord, to the glory of God the Father."<sup>50</sup> Furthermore, the same Apostle declared that in all the wide universe the only limit to the dominion and authority of the Lord Jesus Christ is God the Father. "For he hath put all things under his feet. But when he saith all things are put under him, it is manifest that he is excepted, which did put all things under him."<sup>51</sup> Moreover, our Lord Himself claimed universal dominion. When He gave His disciples their commission to evangelize the world, He said: "All power is given unto me in heaven and in earth. Go ye therefore, and teach all nations."<sup>52</sup> Similarly, when Peter was preaching in the household of Cornelius, he declared the same truth in these words: "The word which God sent unto the children of Israel, preaching peace by Jesus Christ: he is Lord of all."<sup>53</sup>

These passages proclaim in positive and emphatic language the universality of Christ's dominion and leave no reason for doubt with respect to His supremacy over the nations of the earth. He is the "Governor of the Nations" because nations are an important part of the "all things" that are put under His authority.

Once more, the different titles given to Christ point

50 Philippians 2:9-11.

51 I Corinthians 15:27.

52 Matthew 28:18-19.

53 Acts 10:36.

out His position in regard to the nations of the earth. In the twenty-second Psalm we are told that "the kingdom is the Lord's: and he is the governor among the nations."<sup>54</sup> William Symington says concerning this title in Messiah the Prince: "Here, then, is a glorious title, distinctly recognising the dominion of the Mediator over the nations of men---a title which the nations may, indeed, overlook, by which they cannot disregard with impunity, and which shall one day be as fully acknowledged by them as it has been hitherto shamefully neglected and despised."<sup>55</sup> He is "the prince of the kings of the earth."<sup>56</sup> He is the "Lord of lords, and King of kings."<sup>57</sup> Again, "He hath on his vesture and on his thigh a name written, KING OF KINGS, AND LORD OF LORDS."<sup>58</sup> In the prophecy of Jeremiah there is the following passage: "Forasmuch as there is none like unto thee, O Lord; thou art great, and thy name is great in might. Who would not fear thee, O King of nations? for to thee doth it appertain: forasmuch as among all the wise men of the nations, and in all their kingdoms, there is none like unto thee."<sup>59</sup> In the prophecy of Isaiah we are told that the "Lord is our judge, the Lord is our lawgiver, the Lord is our king; he will save us."<sup>60</sup> This passage is to be noted in passing for its civic comprehensiveness: "The Lord is our judge"--He stands at the head of

54 Psalm 22:28.

55 Symington, Messiah the Prince, p. 206.

56 Revelation 1:5.

57 Revelation 17:14.

58 Revelation 19:16.

59 Jeremiah 10:6-7.

60 Isaiah 33:22.



the judicial department of government; "our lawgiver"--He stands at the head of the legislative department; "our king"--He stands at the head of the executive department. In short, He is Lord "over all", and "blessed for ever."<sup>61</sup> To the same effect Paul wrote to his pupil, Timothy. He spoke of Christ as "our Lord Jesus Christ...who is the blessed and only Potentate, the King of kings, and Lord of lords."<sup>62</sup> These are not empty titles. There is a supernal fact lying behind each one of them; namely, that Christ is the divinely appointed King of nations.

Again, Christ overrules rebellion and punishes nations for their violation of His law. In many, may we not say, in all instances the nations of the earth have refused to serve Him. And in every case up to this very era they have received the just punishment for their failure to recognize and to obey Him. And that the kingdoms of the world should deliberately choose to assume this attitude of rebellion against "the blessed and only Potentate" with all the defeats and final obliterations of more than six millenniums staring them in the face, is surely a superlative matter of astonishment. Three millenniums ago it was expressed by David in the second Psalm. Delitzsch follows the first verse of this classic on civil government not merely by a question mark but by an exclamation point as well;<sup>63</sup> as much as to say, "Why! is it possible? do the nations rage, and the people imagine a vain thing?" Mani-

61 Romans 9:5.

62 I Timothy 6:14-15.

63 Delitzsch, Commentary on the Psalms, I, p. 115.

festly he has no option; there is but one conclusion to which to come. As a matter of fact "the kings of the earth set themselves, and the rulers take counsel together, against the Lord, and against his anointed saying, Let us break their bands asunder, and cast away their cords from us."<sup>64</sup> To the Psalmist the situation is ludicrous--"He that sitteth in the heavens shall laugh: the Lord shall have them in derision. Then shall he speak unto them in his wrath, and vex them in his sore displeasure."<sup>65</sup> Nor is he alone in his verdict, for the Messiah Himself on coming forward, as it were, to make His inaugural address, reinforces the Psalmist's observations by saying: "I will declare the decree: the Lord hath said unto me, Thou art my Son; this day have I begotten thee. Ask of me, and I shall give thee the heathen for thine inheritance, and the uttermost parts of the earth for thy possession. Thou shalt break them with a rod of iron; thou shalt dash them in pieces like a potter's vessel."<sup>66</sup> No nation can violate the law of God with impunity. So again in the ninth Psalm we read: "The wicked shall be turned into hell, and all the nations that forget God."<sup>67</sup> In like manner, the 110th Psalm pictures Christ sitting at the right hand of God the Father in judgment upon nations. "The Lord said unto my Lord, Sit thou at my right hand, until I make thine enemies

64 Psalm 2:2-3.

65 Psalm 2:4-5.

66 Psalm 2:7-9.

67 Psalm 9:17.

thy footstool."<sup>68</sup> This Scripture refers to Christ, as we are informed in Matthew 22:44, in Acts 2:34, and in Hebrews 1:13. Here we see Christ on His throne in the very act of subjugating His enemies. Among these foes are named "kings" whom He would "strike through in the day of his wrath."<sup>69</sup> It is as "the Governor among the Nations" that Christ speaks to rebellious princes "in his wrath and vexes them in his sore displeasure."<sup>70</sup> In the prophecy of Isaiah the same warning is given to wicked nations: "For the nation and kingdom that will not serve thee shall perish; yea, those nations shall be utterly wasted."<sup>71</sup> No nation ever escapes "the wrath of the Lamb" when the day of His wrath comes.

Jeroboam, the "son of Nebat, who made Israel to sin," for example, introduced idol worship into the nation. The kings that followed him entered into this worship with even greater zeal than the originator. Time after time, through prophet, plague, war, and famine, God warned the Kingdom of its sin, but it ceased not to serve other gods. At last He prepared the Assyrian army. Then, when every opportunity had been cast away, the eastern forces came sweeping down and carried Israel into captivity. Israel rebelled against the Most High, but He, their rejected Sovereign, ultimately "dashed them to pieces like a potter's vessel." He overruled their rebellion to His own glory. Nations and their rulers may refuse to serve Him,

68 Psalm 110:1.

69 Psalm 110:5.

70 Psalm 2:5.

71 Isaiah 60:12.

but they cannot prevent Him from serving Himself by them. By their counsels and treaties and by their ambitions and lawless transactions He fulfills His own sovereign purposes.<sup>72</sup>

On the other hand, Christ promises to reward such nations as obey Him as their ruler. "Blessed are all they that put their trust in him."<sup>73</sup> Again, "Blessed is the nation whose God is the Lord; and the people whom he hath chosen for his own inheritance."<sup>74</sup> In the book of Deuteronomy the specific promise is given to Israel; that if she follows the teachings of God, she will receive her reward as a nation. The promise is given in these words: "And it shall come to pass, if thou shalt hearken diligently unto the voice of the Lord thy God, to observe and to do all his commandments which I command thee this day, that the Lord thy God will set thee on high above all nations of the earth: And all these blessings shall come on thee, and overtake thee, if thou shalt hearken unto the voice of the Lord thy God."<sup>75</sup> Then follows a long list of blessings that will come to Israel if she is faithful. Israel found these promises true, for when she followed the Lord the blessings of heaven were poured out upon her.<sup>76</sup>

72 See also, Leviticus 26:14-39; Deuteronomy 28:15-68; Judges 2:12-15; Revelation 6:15.

73 Psalm 2:12. The words "all they" refer to all nations and their rulers, as it is clearly pointed out in the preceding verses. The words "in Him" refer to the Son, the Messiah, or the Christ.

74 Psalm 33:12.

75 Deuteronomy 28:1-2; see also 3-14.

76 See also, Psalm 144:11-15; Leviticus 26:3-13; Deuteronomy 6:12-15; Proverbs 14:34.

Furthermore, in the supreme law of God there is provision for the pardon of nations that confess and forsake their sins. This provision is expressed in the words of the Lord to Moses on Sinai: "If they shall confess their iniquity, and the iniquity of their fathers, with their trespass which they trespassed against me,.....: Then will I remember my covenant with Jacob, and also my covenant with Isaac, and also my covenant with Abraham will I remember; and I will remember the land."<sup>77</sup> Again, in the prophecy of Jeremiah this provision is stated as follows: "At what instant I shall speak concerning a nation, and concerning a kingdom, to pluck up, and to pull down, and to destroy it: If that nation, against whom I have pronounced, turn from their evil, I will repent of the evil that I thought to do unto them."<sup>78</sup>

Finally, the Scriptures speak of the day when all nations shall acknowledge and obey Christ as their ruler. The writer of the twenty-second Psalm looked forward to the day when "all the ends of the world shall remember and turn unto the Lord: and all the kindreds of the nations shall worship before thee."<sup>79</sup> The seventy-second Psalm refers to Christ. Delitzsch says that it is "thoroughly Messianic."<sup>80</sup> The Psalm celebrates the majesty, benignity, and dominion of Christ as Mediator with the glory, peacefulness, extent, and duration of His kingdom. Here we are

77 Leviticus 26:40-42.

78 Jeremiah 18:7-8. See also, I Kings 8:33-34; II Chronicles 6:24-25; Jonah 3:5-10.

79 Psalm 22:27.

80 Delitzsch, Commentary of the Psalms, II, p. 342.

told that "He shall have dominion also from sea to sea, and from the river unto the ends of the earth. They that dwell in the wilderness shall bow down before him; and his enemies shall lick the dust. The kings of Tarshish and of the isles shall bring presents: the kings of Sheba and Seba shall offer gifts. Yea, all kings shall fall down before him: all nations shall serve him.....His name shall endure for ever: his name shall be continued as long as the sun: and men shall be blessed in him: all nations shall call him blessed."<sup>81</sup> In these verses we have a prophecy of the day when all nations shall come before Him to acknowledge Him as King of kings and Lord of lords. Here kings and nations are expressly introduced in their civil capacity as recognizing His dominion. The acts of homage in which they are represented as engaging are such as involve the idea of distinct moral subjection. They bring presents, offer gifts, fall down before Him, serve Him, and call Him blessed. For Him to accept such homage, He must possess a rightful dominion over all nations and over the kings of the earth.<sup>82</sup>

During the dark days of the Civil War in America the United States Senate adopted the substance of the foregoing teachings in the following resolution, asking the President to call a day of prayer and humiliation: "Resolved, That, devoutly recognizing the supreme authority and just government of Almighty God in all the affairs of

81 Psalm 72:8-11,17.

82 See also, Psalm 86:9; Isaiah 2:2-4; Daniel 7:13-14,27; Revelation 11:15.

men and of nations, and sincerely believing that no people, however great in numbers and resources, or however strong in the justice of their cause, can prosper without His favor, and at the same time deploring the national offences which have provoked His righteous judgment, yet encouraged, in this day of trouble, by the assurances of His Word, to seek Him for succor according to His appointed way, through Jesus Christ, the Senate of the United States do hereby request the President of the United States, by his proclamation, to designate and set apart a day for national prayer and humiliation, requesting all the people of the land to suspend their secular pursuits and unite in keeping the day in solemn communion with the Lord of Hosts, supplicating Him to enlighten the councils and direct the policy of the rulers of the nation, and to support all our soldiers, sailors, and marines, and the whole people, in the firm discharge of duty, until the existing rebellion shall be overthrown and the blessings of peace restored to our bleeding country."<sup>83</sup> In this resolution of 1863, the following points are enunciated: (1) the rulership of Christ over nations, (2) the punishments that justly come by violation of His law, (3) the reward of national obedience to His authority, and (4) the way of pardon through Him by confession and reformation.

In this same period a delegation from the Reformed Presbyterian Church of North America visited President

83 Morris, *Christian Life and Character of the Civil Institutions of the United States*, pp.557-558.

Lincoln. Two points were called to his attention: (1) the stand of the Reformed Presbyterian Church against slavery, and (2) the fact that the Constitution of the United States contained no acknowledgement of the authority of God or of Christ or of the moral law as contained in the Holy Scriptures. The President received the delegation kindly and "expressed his satisfaction that the first part of the distinctive principles of the Reformed Presbyterian Church was so near realization, and his hope that he might assist in carrying out the second portion as well."<sup>84</sup> In that dark period of our history we found Deism insufficient, because it could not deliver us. We felt our need of a Saviour and were not ashamed to call upon Him. Then, atheism, infidelity, and Jewish influence were silenced, while a people in distress looked upward to the One and only Mediator between God and man. The nation owed that homage to Him then; she owes it to Him always.

Summing up the foregoing declarations of Holy Writ, we have the explicit teachings of Scripture concerning the Rulership of Christ over the nations. The Bible declares repeatedly and in a great variety of ways that Christ's dominion is universal; it gives Him titles which no one but the rightful Sovereign of time and eternity could be justified in accepting; it assures us that Christ overrules every machination and rebellion against Himself and

84 Sloane, Life and Work of J.R.W. Sloane, p. 260.



against His authority and punishes nations for their violation of His law; it reminds us of Christ's promise to reward all the kingdoms of the earth that recognize and obey Him as their crucified, risen, and exalted Lord; it comforts us with the divine provision for pardoning nations if they confess and forsake their sins; and it assures us repeatedly that a day is coming when all the nations of the world shall own and honor the "meek and lowly" Son of man as their "blessed and only Potentate."

The Reformed Presbyterian Church of North America has never been nor will ever be satisfied with any aim or any proposal in the realm of state which does not pay supreme homage to the Name "which is above every name". As a Church we are persuaded that if our Nation is to continue her existence down through the centuries, she must accept the Biblical doctrine of the Kingship of Christ; for, granting that the Bible is the Revealed Will of God, we have no alternative but to receive its laws as authoritative in every sphere of life. And the passages quoted in the preceding pages would seem to apprise us, as clearly as language can do it, of the sovereignty of the Son of God over all men and over all nations in all their relationships; so that it becomes our imperative duty, as we see it, to acknowledge and to obey the Lord Jesus by endeavoring to reform our Nation in its corporate capacity to bow the knee to Him as a "willing people" in the day of His power.

CHAPTER II  
PHILOSOPHICAL TEACHING

- I. The Moral Character of the Nation
- II. The Justice and the Necessity of the Connection  
of Religion and the State
- III. The Written and the Unwritten Constitutions

## CHAPTER II

### PHILOSOPHICAL TEACHING

The scriptural teaching for the doctrine of the Kingship of the Lord Jesus Christ has been presented. There is likewise a philosophical or a scientific justification for this thesis. In addition to the scriptural basis for our national Christianity there is a firm foundation of a sound political science. The official documents and acts of our Government, which will be considered in another chapter, involve certain fundamental principles concerning the true nature and functions of the Nation. The purpose of this chapter is to furnish unquestionable authorities on the points to be considered. From the great mass of testimony which might be cited, it will be seen that the weight of authority is on the side of this doctrine.

#### I

##### THE MORAL CHARACTER OR PERSONALITY OF THE NATION

The first of these principles is the moral character and accountability of the Nation. On this truth the whole doctrine of the Reformed Presbyterian Church of North America hinges.

A Nation is a moral person. A Nation is not the result of a social compact nor a necessary evil nor a historical development; but, as it has been pointed out in the preceding chapter, it is a creation of God. In the

letter which Paul sent to the Romans, he wrote: "Let every soul be subject unto the higher powers. For there is no power but of God: the powers that be are ordained of God. Whosoever therefore resisteth the power, resisteth the ordinance of God: and they that resist shall receive to themselves damnation."<sup>1</sup> In like manner, Peter set forth the same truth: "Submit yourself to every ordinance of man for the Lord's sake: whether it be to the king, as supreme; Or unto governors, as unto them that are sent by him for the punishment of evildoers, and for the praise of them that do well."<sup>2</sup> Civil government, then, is God's ordinance because He makes nations and delegates to the people their political authority. "By me kings reign," says the Word, "and princes decree justice. By me princes rule, and nobles, even all the judges of the earth."<sup>3</sup> This ordinance is a moral person with power of influence, with ability to do right, and with capacity to commit crime for which punishment must be meted out.

But what is meant by the statement that the Nation is a moral person? It means that the State has its own intelligence, consciousness, volition, responsibility, and conscience. That is to say, the State has character. It acts in the same way in which a man acts. It can and does do right and wrong. It can receive reward and punishment from the hand of God. It is under moral law and is responsible

1 Romans 13:1-2.

2 I Peter 2:13-14. See Meyer, Commentaries on the New Testament, Epistle of Peter, p. 259.

3. Proverbs 8:15-16.

to a moral governor.<sup>4</sup> It has moral aims and purposes. This means, then, that the Nation is a moral agent or a being with true moral character and accountability. As a sovereign power on earth, a power with no earthly superior, its responsibility must be directly to God Himself. The prophet Isaiah tersely proclaims this truth saying: "The Lord is our judge, the Lord is our lawgiver, the Lord is our king; he will save us."<sup>5</sup> Jesus claims the same thing when He says: "All power is given unto me in heaven and in earth,"<sup>6</sup> and "The Father judgeth no man, but hath committed all judgment unto the Son: That all men should honour the Son, even as they honour the Father. He that honoureth not the Son honoureth not the Father which hath sent him."<sup>7</sup> These passages point out that the Nation is responsible to God for its goodness and for its wickedness. Such a being, therefore, is properly termed a moral person.

An illustration or two will clarify this truth. Westminster Cathedral in London is not a heterogeneous pile of stone, mortar, timber, and glass. It is an organization or an arrangement. A tree is not merely a number of elements or seed, soil, sunshine, and rain; it is an organism. The Nation is not an agglomeration of people living in the same country. Indeed, Britain is far more than the people living within British territory. She is a great moral person with her influence reaching into every part of

4 See Psalm 2:1-5,9; Psalm 110:1-2,5,6; Deuteronomy 28:1-14.

5 Isaiah 33:22.

6 Matthew 28:18.

7 John 5:22-23.

the world. In these recent years of turmoil in Europe her influence as a peace-loving nation has aided more than the world realizes in keeping the countries of western Europe from going to war. In the recent Czecho-Slovakian crisis Prime Minister Chamberlain, acting for the British people, showed explicitly the moral responsibility of the nation. England's moral duty, if it were at all possible, was to keep the nations of Europe from resorting to war. This she did admirably, and, for the present, peace reigns in northern Europe. Her moral influence in this instance was for the good of the world, and the Governor of the world will reward her for her sacrifices that peace might continue. The United States is not merely 130,000,000 people living within her borders. She is a great moral person. Her influence, too, reaches around the world, and she will receive from the Governor of the world commendation or reward for her good influence and punishment for her evil influence. The Nation, therefore, has an existence somewhat different from that of the individuals composing it. It has an entity of its own. It is not a mass, a mob, or a company; it is a living unit. The etymology of the word "nation" suggests this truth.<sup>8</sup> It is from the word "nascor" which means "to be born". A nation in the providence of God is something born. That is to say, a Nation is a moral person.

Eminent political thinkers have written many volumes on this important subject. It will be our purpose now to turn to

8 Harpers' Latin Dictionary, p. 1189.

the works of these men and permit them to bear witness to its truth.

Elisha Mulford, author of The Nation, taught this truth with fullness and eloquence. He writes: "The nation is a moral personality. This is the condition of its vocation, as in the fulfillment of its vocation there is the **formation of its** character..... The nation is a moral person, since it is called as a power in the coming of that kingdom in which there is the moral government of the world, and in whose completion there is the goal of history ..... The being of the nation as a moral person has its witness in the consciousness of men. It has awakened the higher moral emotion, and its response has been from the higher moral spirit....The assertion of the moral being of the nation has been the foundation of that which is enduring in politics, and has been embodied in the political thought and will which alone have been constructive in the state.... Those who have been the masters of political science, and it has perhaps fewer great names than any other science, all repeat this conception."<sup>9</sup>

John Milton likewise taught that the Nation is a moral person. In The Second Book of the Reformation in England we find a portrait of politicians, as true to life now as it was then, in these words: "They teach not, that to govern well, is to train up a nation in true wisdom and virtue, and that which springs from thence, magnanimity

9 Mulford, The Nation, pp. 19-23.

(take heed of that), and that which is our beginning, regeneration, and happiest end, likeness to God, which in one word we call godliness.....Alas, sir! a commonwealth ought to be but as one huge Christian personage, one mighty growth and stature of an honest man, as big and compact in virtue as in body; for look what the grounds and causes are of single happiness to one man, the same ye shall find them to a whole state, as Aristotle, both in his Ethics and Politics, from the principles of reason, lays down."<sup>10</sup>

In like manner, Francis Lieber sets forth the same truth in his Manual of Political Ethics: "The state being a jural society, and rights being imaginable between moral beings only, it follows, that the state has likewise a moral character and must maintain it. From what constitutes right, as has been shown, it appears that no right, consequently no specific rights, can exist between animals or irrational beings, since the right is founded on the claim each rational or moral being makes on every other rational or moral being."<sup>11</sup>

Chancellor Kent says that "states, or bodies politic, are to be considered as moral persons, having a public will, capable and free to do right and wrong, inasmuch as they are collections of individuals, each of whom carries with him into the service of the community the same binding

10 Milton, Prose Works, The Second Book of the Reformation in England, II, pp. 390-391.

11 Lieber, Manual of Political Ethics, I, p. 179.



law of morality and religion which ought to control his conduct in private life."<sup>12</sup>

Edmund Burke, in his distinguished treatise called forth by the French Revolution, says: "Society is indeed a contract. Subordinate contracts for objects of mere occasional interest may be dissolved at pleasure--but the State ought not to be considered as nothing better than a partnership agreement in a trade of pepper and coffee, calico or tobacco, or some other such low concern, to be taken up for a little temporary interest, and to be dissolved by the fancy of the parties. It is to be looked on with other reverence; because it is not a partnership in things subservient only to the gross animal existence of a temporary and perishable nature. It is a partnership in all science; a partnership in all art; a partnership in every virtue, and in all perfection."<sup>13</sup> A little later, speaking of the moral relations and duties of the State, he adds that on account of these the English nation "think themselves bound, not only as individuals in the sanctuary of the heart, or as congregated in that personal capacity, to renew the memory of their high origin and cast; but also in their corporate character to perform their national homage to the Institutor and Author and Protector of civil society."<sup>14</sup>

The words of William Ewart Gladstone are respected by all political writers. Gladstone was intimately associated

12 Kent, Commentaries on American Law, I, p. 3.

13 Burke, Reflections on the Revolution in France, p. 143.

14 Ibid., pp. 145-146.

with government for more than fifty years. In his work entitled The State in Its Relations with the Church, he points out the religious responsibility of the men who compose a governing body and then speaks about the personality of the Nation. He says: "There is also a real and not merely supposititious personality of nations, which entail likewise its own religious responsibility. The plainest exposition of national personality is this---that the nation fulfils the great condition of a person: namely, that it has unity of acting, and unity of suffering; with the difference that what is physically single in one, is joint, or morally single, in the other.... France," he adds, "is a person to us, and we to her."<sup>15</sup>

The name of Thomas Arnold is esteemed by all students of history and political science. In his Introductory Lectures on Modern History he declares: "It is sometimes urged that....the highest object of the Royal Society as a society is the advancement of science, although to the individuals of that society a moral and religious object would be incomparably of higher value. Why, then, may not the highest object of a nation, as such, be self defense, or wealth, or any other outward good, although every individual of the nation puts a moral object before any mere external benefits. The answer to this is simply because a nation is a sovereign society, and it is something monstrous that the ultimate power in human life should be destitute of a sense of right

15 Gladstone, The State in its Relations with the Church, p. 38.

and wrong..... That end (that is, the worthy end of a nation's life) appears to be the promoting and securing a nation's highest happiness; so we must express it in its most general formula; but under the most favorable combination of circumstances, this same end is conceived and expressed more purely as the setting forth God's glory by doing His appointed work."<sup>16</sup>

"It is allowed," he continues, "by those who object to the moral theory of a state, that Christian legislators did well in forcibly suppressing gladiatorial shows and impure rites, as being immoral and pernicious actions; but if the legislator has anything to do with morality, the whole question is conceded; for morality is surely not another name for expediency, or what is advantageous for body and goods; yet if it be not, and a legislator may prohibit any practice because it is wicked, then he regards moral ends, and his care is directed towards man's highest happiness, and to putting down his greatest misery, moral evil. Nor, in fact, does it appear how, on other than purely moral considerations, a state is justified in making certain abominations penal."<sup>17</sup>

Phillimore, whose work is one of the highest authorities on International Law, defines the nature and law of Nations in this manner: "Moral persons are governed partly by Divine Law (*leges divinae*), which includes natural law--partly, by positive instituted human law, which in-

<sup>16</sup> Arnold, *Introductory Lectures on Modern History*, pp.32-34.

<sup>17</sup> *Ibid.*, pp. 78-79.

cludes written law and unwritten law or custom (*jus scriptum, non scriptum, consuetudo*).

"States, it has been said, are reciprocally recognized as moral persons. States are therefore governed, in their mutual relations, partly by Divine, and partly by positive law. Divine law is either (1) that which is written by the finger of God in the heart of man, when it is called Natural law; or (2) that which has been miraculously made known to him, when it is called revealed, or Christian law.

"The Primary Source, then, of International Jurisprudence is Divine Law."<sup>18</sup>

Thus far in considering the moral character and accountability of the Nation, we have quoted from English-speaking authorities. Several quotations will be given from German writers. In these quotations we shall see that these men set forth the same testimony in regard to the moral personality of the State. Mulford was speaking of such German authors when he said concerning the idea of the moral personality of the Nation: "There is no other conception which has such power in the thoughts of men, and in this age it has greater significance when it is drawn, not from a school of puritan politics, but from those most widely separated from historical puritanism, and finds its expression in the literature of a people which is rising to great political might."<sup>19</sup>

Hegel represents the State as the realization of the moral idea, and in the moral idea alone, it has its substance

<sup>18</sup> Phillimore, *International Law*, I, p. 15.

<sup>19</sup> Mulford, *The Nation*, pp. 22-23.

and being. In his Philosophie des Rechts he says: "The state is the realized ethical idea or ethical spirit."<sup>20</sup> "The state as a completed reality is the ethical whole and the actualization of freedom. It is the absolute purpose of reason that freedom should be actualized."<sup>21</sup> Again, he says: "As the state is not a mechanism, but the reasonable life of self-conscious freedom and the system of the ethical world, so sentiment or feeling for it, and the conscious expression of this feeling in the form of principles, are an essential element in the actual state."<sup>22</sup> In other words, there is one conception in religion and the State, and that is the highest of man.

Bluntschli, at one time professor of Political Science in the University of Heidelberg, writes in his Theory of the State: "Whilst history explains the organic nature of the State, we learn from it at the same time that the State does not stand on the same grade with the lower organisms of plants and animals, but is of a higher kind; we learn that it is a moral and spiritual organism, a great body which is capable of taking up into itself the feelings and thoughts of the nation, of uttering them in laws, and realising them in acts; we are informed of moral qualities and of the character of each State. History ascribes to the State a personality which, having spirit and body, possesses and manifests a will of its own.

20 Hegel, Philosophie des Rechts, (English translation by S.W. Dyde), p. 240.

21 Ibid., p. 244.

22 Ibid., p. 264.

"The glory and honour of the State have always elevated the heart of its sons, and animated them to sacrifices. For freedom and independence, for the rights of the State, the noblest and best have in all times and in all nations expended their goods and their lives. To extend the reputation and the power of the State, to further its welfare and its happiness, has universally been regarded as one of the most honourable duties of gifted men. The joys and sorrows of the State have always been shared by all its citizens. The whole great idea of Fatherland and love of country would be inconceivable if the State did not possess this high moral and personal character."<sup>23</sup>

Dorner is most explicit in subscribing personality to the State. He writes in The System of Christian Ethics: "It is a free power, a living existence, a moral personality. And its position with regard to all other provinces of life is, that it protects each of them in the rights based upon its respective ethical principle, that it embraces them all as an institution for the maintenance of right. The State, however, is by no means synonymous with the entire moral activity of a people, nor is it lord over the principles belonging to the other moral spheres. It is not part of its functions to make or teach religion, to bring about marriage, etc. Neither is it the sum of all the other moral communities; on the contrary, it is itself one of them, which has been entrusted with the administration of right."<sup>24</sup>

<sup>23</sup> Bluntschli, *The Theory of the State*, pp.21-22.

<sup>24</sup> Dorner, *System of Christian Ethics*, p. 558.

David Jayne Hill says that it is "refreshing and even comforting to hear the State described as a moral person,"<sup>25</sup> after hearing of the widespread view of the non-moral conception of the State advocated by Machiavelli. Continuing this line of thought, he says: "We are not surprised, therefore, to learn that practically all modern jurists are in agreement with Pufendorf in assigning the attribute of personality to the State."<sup>26</sup> "The State," he adds, "is a 'moral person' in the sense of possessing rights and obligations, and being subject to moral law but only in so far as these comport with its nature."<sup>27</sup> As a corollary to this fact he maintains that "nothing is more certain than that States are subject to the penalties of violated moral law."<sup>28</sup> "It is even easier to take note of penalties consequent upon the violation of moral law in the case of nations, than in the case of individual men."<sup>29</sup>

These quotations have been cited to set forth the belief of eminent authorities concerning the moral character and accountability of the Nation. Sometimes, a single statement or declaration made by a well-known and recognized authority will prove to be more convincing than many quotations from authors living or dead. When a principle is carried out in actual life, we discover the value of it. In closing this argument concerning the moral personality

25 Hill, *World Organization as Affected by the Nature of the Modern State*, p. 35.

26 Ibid., p. 36.

27 Ibid., p. 41.

28 Ibid., p. 40.

29 Ibid., p. 39.

of the Nation, a decision of the Supreme Court of the United States will be cited. This decision places the stamp of approval of that august body on this doctrine. The case in the decision of which this principle was used came before the Supreme Court by appeal from the Courts of Tennessee. It is known as the case of Keith versus Clark.<sup>30</sup> Briefly, these are the facts: the State of Tennessee was admitted into the Union in 1796. In the year 1838, this State organized the State Bank of Tennessee. In the charter there was a clause by which the Bank agreed to receive all its issues of circulating notes in payment of taxes, but by a constitutional amendment adopted in 1865, the State declared the issues of the bank during the period of the Civil War to be void and forbade their receipt for taxes. Keith offered Clark, the tax collector, forty dollars of the notes issued during that period in payment of taxes, which Clark refused. Keith entered suit and lost. He carried the case from one court to another, losing each time, till it came before the Supreme Court of the United States. This Court reversed the decisions of the lower courts. The Supreme Court in its argument maintaining the obligation of the State to honor all the issues of its own bank quoted Vattel with approbation as follows: "Nations or States are bodies politic, societies of men united together for the promotion of their mutual safety and advantage by the joint efforts of their combined strength. Such a society has her affairs

30 Otto, United States Reports, Supreme Court, Vol. 97., pp. 454-483.



and her interests. She deliberates and takes resolutions in common, thus becoming a moral person who possesses an understanding and a will peculiar to herself, and is susceptible of obligations and rights."<sup>31</sup>

The Court then proceeded to argue the continuity and the moral obligations of the State through all the changes that may take place and declared that nothing short of complete extinction or absorption by another State can annul those obligations. Said the Court: "The political society which in 1796 became a State of the Union, by the name of the State of Tennessee, is the same which is now represented as one of those States in the Congress of the United States. Not only is it the same body politic now, but it has always been the same. There has been perpetual succession and perpetual identity. There has from that time always been a State of Tennessee, and the same State of Tennessee. Its executive, its legislative, its judicial departments have continued without interruption and in regular order. It has changed, modified, and reconstructed its organic law, or State Constitution, more than once. It has done this before the rebellion, during the rebellion and since the rebellion. And it was always done by the collective authority and in the name of the same body of people constituting the political society known as the State of Tennessee."<sup>32</sup>

In this declaration by the highest court in the United States there is significance and value. This Court de-

31 Ibid., pp. 459-460; Vattel, *The Law of Nations*, p. xlix.

32 Ibid., pp. 460-461.

clared that the State is a moral person. Reformers who urge the moral obligation of the State to submit to the authority of the Ruler of Nations and to conform its laws and life to the Divine Will did not originate this form of expression. They found it in current use and employed it as expressive both of the fact and of the conviction among men of the fact that States or Nations as such are creatures of God's moral government and should recognize His supremacy. After a careful study of this case Richard Cameron Wylie, the former President of the Reformed Presbyterian Seminary, came to this conclusion: "Since the government of the United States exercises its authority over individual States as moral persons compelling them to fulfill certain of their obligations, how much more may we expect the Supreme Ruler of this world so to deal with all nations."<sup>33</sup>

## II

### THE JUSTICE AND THE NECESSITY OF THE CONNECTION OF RELIGION AND THE STATE

The second philosophical principle upon which our contention rests is that justice and necessity demand the connection of civil government and religion without any organic union.

When it is proposed that the Nation should own Jesus Christ as its head, objection is made at once that this

<sup>33</sup> Wylie, Studies in Christian Citizenship, Number X, p. 13.

would mean the disastrous union of Church and State. Persons who would separate our Government entirely from Christianity and give us a purely secular State turn to Francis Lieber for support of their view. "It belongs to American liberty," writes Lieber in his Civil Liberty and Self-Government, "to separate entirely the institution which has for its object the support and diffusion of religion from the political government. We have seen already what our constitution says on this point. All state constitutions have similar provisions. They prohibit government from founding or endowing churches, and from demanding a religious qualification for any office or the exercise of any right."<sup>34</sup> But it is very evident that in this quotation Lieber is speaking about the Church. It is her union with the State to which the writer rightly objects. In speaking about state constitutions he adds this favorable comment: "They are not hostile to religion, for we see that all the State governments direct or allow the Bible to be read in the public schools; but they adhere strictly to these two points: no worship shall be interfered with, either directly by persecution, or indirectly by disqualifying members of certain sects, or by favoring one sect above the others; and no church shall be declared the church of the state, or 'established church'; nor shall the people be taxed by government to support the clergy of all the churches, as in the case of France."<sup>35</sup> As a direct proof of this attitude

34 Lieber, Civil Liberty and Self-Government, p. 99.

35 Ibid., p. 99.

of states toward religion the City of Newburgh, New York, permits religion to be taught for one hour each week during the regular school hours. The teaching is under the supervision of the churches. Pupils receive full credit for the work accomplished.<sup>36</sup>

In his Commentaries on the Constitution Justice Story sets forth the same principle in detail. He says: "How far any government has a right to interfere in matters touching religion, has been a subject much discussed by writers upon public and political law. The right and the duty of the interference of government in matters of religion, have been maintained by many distinguished authors, as well as those, who were the warmest advocates of free governments, as those, who were attached to governments of a more arbitrary character. Indeed, the right of a society or government to interfere in matters of religion will hardly be contested by any persons, who believe that piety, religion, and morality are intimately connected with the well-being of the state, and indispensable to the administration of civil justice. The promulgation of the great doctrines of religion, the being, and attributes, and providence of one Almighty God; the responsibility to Him for all our actions, founded upon moral freedom and accountability; a future state of rewards and punishments; the cultivation of all the personal, social, and benevolent virtues; ----these never can be a matter of indifference in any well-ordered community. It is, indeed, difficult to conceive,

<sup>36</sup> The writer of this thesis assisted in this work for several years.

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36 The writer of this thesis assisted in this work for several years.

how any civilized society can well exist without them. And at all events, it is impossible for those, who believe in the truth of Christianity, as a divine revelation, to doubt, that it is the especial duty of government to foster, and encourage it among all the citizens and subjects. This is a point wholly distinct from that of the right of private judgment in matters of religion, and of the freedom of public worship according to the dictates of one's conscience."<sup>37</sup>

"There will probably be found few persons in this, or any other Christian country," he says in another place, "who would deliberately contend, that it was unreasonable, or unjust to foster and encourage the Christian religion generally, as a matter of sound policy, as well as of revealed truth. In fact, every American colony, from its foundation down to the revolution, with the exception of Rhode Island, (if, indeed, that state be an exception,)<sup>38</sup> did openly, by the whole course of its laws and institutions, support and sustain, in some form the Christian religion; and almost invariably gave peculiar sanction to some of its fundamental doctrines. And this has continued to be the case in some of the states down to the present period, without the slightest suspicion that it was against the principles of public law or republican liberty. Indeed, in a republic, there would seem to be a peculiar propriety in viewing the Christian religion, as the great basis, on which it

37 Story, Commentaries on the Constitution, III, pp. 722-723.

38 See this Thesis, pp. 119-121; 122-124; and p. 131.

must rest for its support and permanence, if it be, what it has ever been deemed by its truest friends to be, the religion of liberty."<sup>39</sup>

He continues by saying that "probably at the time of the adoption of the Constitution, and of the amendment to it, now under consideration,<sup>40</sup> the general, if not the universal, sentiment in America was that Christianity ought to receive encouragement from the state, so far as was not incompatible with the private rights of conscience, and the freedom of religious worship. An attempt to level all religion, and to make it a matter of state policy to hold all in utter indifference, would have created universal disapprobation, if not universal indignation.

"It yet remains a problem to be solved in human affairs, whether any free government can be permanent where the public worship of God, and the support of religion, constitute no part of the policy or duty of the state in any assignable shape. The future experience of Christendom, and chiefly of the American States, must settle this problem as yet new in the history of the world, abundant as it has been in experiments in the theory of government."<sup>41</sup>

Speaking of the first amendment, he continued: "The real object of the amendment was, not to countenance, much less to advance Mahometanism, or Judaism, or infidelity, by protecting Christianity; but to exclude all rivalry among Christian sects, and to prevent any national ecclesiastical

39 Story, Commentaries on the Constitution, III, pp. 724-725.

40 Story refers to the First Amendment.

41 Story, Commentaries on the Constitution, III, pp. 726-727.

establishment, which should give to an hierarchy the exclusive patronage of the national government."<sup>42</sup>

On May 14, 1787, a convention was held in Philadelphia, Pennsylvania. The purpose of this convention was to consider the Articles of Confederation and make them adequate to the needs of the country. George Washington presided at the meetings which lasted over a period of four months. From this convention there came into existence the Constitution of the United States.<sup>43</sup> After the convention had dragged along for a number of weeks with little progress, Benjamin Franklin delivered an address which is a classic in our language. In this speech the points which both Lieber and Story affirm are given in detail. Addressing the assembly Franklin said:

Mr. President: The small progress we have made after four or five weeks' close attendance and continual reasonings with each other--our different sentiments on almost every question, several of the last producing as many noes as ayes--is, methinks, a melancholy proof of the imperfection of the human understanding. We, indeed, seem to feel our own want of political wisdom, since we have been running about in search of it. We have gone back to ancient history for models of government, and examined the different forms of those republics which, having been formed with the seeds of their own dissolution, now no longer exist. And we have viewed modern states all around Europe, but find none of their constitutions suitable to our circumstances.

<sup>42</sup> Ibid., p. 728.

<sup>43</sup> Bancroft, History of the Formation of the Constitution of the United States, II, pp. 4 ff.



"In this situation of this assembly, groping, as it were, in the dark, to find political truth, and scarce able to distinguish it when presented to us, how has it happened, sir, that we have not hitherto once thought of humbly applying to the Father of lights to illumine our understanding? In the beginning of the contest with Great Britain, when we were sensible of danger, we had daily prayer in this room for the divine protection. Our prayers, sir, were heard, and they were graciously answered. All of us who were engaged in that struggle must have observed frequent instances of a superintending Providence in our favor. To that kind Providence we owe this happy opportunity of consulting in peace on the means of establishing our future national felicity. And have we forgotten that powerful Friend? Or do we imagine that we no longer need His assistance? I have lived, sir, a long time, and the longer I live, the more convincing proofs I see of this truth---THAT GOD GOVERNS IN THE AFFAIRS OF MEN. And if a sparrow cannot fall to the ground without His notice, is it probable that an empire can rise without His aid? We have been assured, sir, in the sacred writings, that 'except the Lord build the house, they labor in vain that build it.' I firmly believe this; and I also believe that without His concurring aid we shall succeed in this political building, no better than the builders of Babel. We shall be divided by our little partial local interests; our projects will be confounded; and we ourselves shall become a reproach and by-word down to future ages. And, what is worse, mankind may hereafter,

from this unfortunate instance, despair of establishing governments by human wisdom, and leave it to chance, war, and conquest.

"I, therefore, beg leave to move that, henceforth, prayers imploring the assistance of Heaven, and its blessings on our deliberations, be held in this assembly every morning before we proceed to business, and that one or more of the clergy of this city be requested to officiate in that service."<sup>44</sup>

Benjamin Franklin saw the necessity of linking the sessions of the convention to religion by calling upon God for direction and guidance. He believed that religion should have its place in governmental affairs without any union with the church. Prayers, however, were not deemed by the convention necessary, and the motion was lost by adjournment.<sup>45</sup> Perhaps, if Franklin's motion had prevailed, the Constitution framed by that convention would have had a full acknowledgment of our national duty to God and the claims of His Son as the Ruler of the Nation.

Let us quote from another worthy American. In an address before the New York Historical Society, Daniel Webster said: "If we and our posterity shall be true to the Christian religion; if we and they shall live always in the fear of God, and shall respect His commandments; if we and they shall maintain just moral sentiments, and such conscientious convictions of duty as shall control the heart and life, we may

44 Franklin, *The Works of Franklin*, V, pp. 153-155.

45 Elliot, *Debates on the Adoption of the Constitution*, V, p. 255.

have the highest hopes of the future fortunes of our country; and if we maintain those institutions of government and that political union exceeding all praise as much as it exceeds all former examples of political associations, we may be sure of one thing--that while our country furnishes materials for a thousand masters of the historic art, it will be no topic for a Gibbon, it will have no decline or fall. It will go on prospering and to prosper. But if we and our posterity reject religious instruction and authority, violate the rules of eternal justice, trifle with the injunction of morality, and recklessly destroy the political constitution which holds us together, no man can tell how sudden a catastrophe may overwhelm us that shall bury all our glory in profound obscurity."<sup>46</sup>

Martensen in his treatise on Christian Ethics likewise demonstrates the necessary connection between the State and religion or the impossibility of State neutrality in this matter when he says: "No state can exist without moral ideas, which in their turn rest upon religious ideas, whether true or false. We define the Christian State as that whose fundamental moral ideas are determined by Christianity; as that which finds its most determining, and therefore its supra-political impulses and ideas in the Christian view of life and of the world."<sup>47</sup> Again he writes: "The inmost and deepest interest of humanity is not culture,

46 Johnson, Chaplains of the General Government, p. 55. The passage from this address, which is not included in the collected works of Webster, is preserved from the newspaper reports of the day.

47 Martensen, Christian Ethics, p. 101.

but morality and religion. Humanity can neither be delivered from its limitations, nor come to a true knowledge of itself, without Christianity, and it is only under its influence that it can reach its full and true development..... Moreover, every notion of humanity which is not the Christian one, is more or less affected with falsehood. Hence the truly humanistic State is one and the same with the Christian State."<sup>48</sup> In addition, he says: "The necessity for the Christianization of States rests upon the circumstance that the State is the realm of external justice. But external justice cannot be carried out or administered without internal justice; in other words, without a religious and moral disposition, by which alone it can come to pass that the laws are obeyed not from fear of punishment, but for conscience' sake."<sup>49</sup>

In an address on the subject, The Inspiration of the Declaration, Calvin Coolidge said: "When we take all these circumstances into consideration, it is but natural that the first paragraph of the Declaration of Independence should open with a reference to Nature's God and should close in the final paragraphs with an appeal to the Supreme Judge of the world and an assertion of a firm reliance on Divine Providence. Coming from these sources, having as it did this background, it is no wonder that Samuel Adams could say: 'The people seem to recognize this resolution as though it were a decree promulgated from heaven.'"<sup>50</sup> Here, again

48 Ibid., p. 98.

49 Ibid., p. 99.

50 Coolidge, Foundations of the Republic, p. 449.

a past leader of our country recognized the necessity and justice of connecting the civil government with religion without a union of Church and State.

The first President of the United States, who served his country in the trying times of organization, believed strongly in the justice and necessity of the connection of religion and the State. In his Farewell Address, an address in which he urged the people to hold together as a unit in order to preserve the nation, he said: "Of all the dispositions and habits, which lead to political prosperity, Religion and Morality are indispensable supports. In vain would that man claim the tribute of Patriotism, who should labor to subvert these great pillars of human happiness, these firmest props of the duties of Men and Citizens. The mere Politician, equally with the pious man, ought to respect and to cherish them. A volume could not trace all their connexions with private and public felicity. Let it be simply asked, Where is the security for property, for reputation, for life, if the sense of religious obligation desert the oaths, which are instruments of investigation in Courts of Justice? And let us with caution indulge the supposition, that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect, that national morality can prevail in exclusion of religious principles."<sup>51</sup>

51 Sparks, Writings of George Washington, XII, p. 227.

In the same address he spoke about our relation with other nations. "Observe good faith and justice toward all Nations," he said. "Cultivate peace and harmony with all. Religion and Morality enjoin this conduct; and can it be, that good policy does not equally enjoin it? It will be worthy of a free, enlightened, and, at no distant period, a great Nation, to give to mankind the magnanimous and too novel example of a people always guided by an exalted justice and benevolence. Who can doubt, that, in the course of time and things, the fruits of such a plan would richly repay any temporary advantages, which might be lost by a steady adherence to it? Can it be, that Providence has not connected the permanent felicity of a Nation with its Virtue? The experiment, at least, is recommended by every sentiment which ennobles human nature. Alas! it is rendered impossible by its vices."<sup>52</sup> In these quotations it is clear that the first President of the United States believed in the influence of religion upon the State. He felt strongly the necessity of a close connection between the State and religion, and yet he had no wish or desire to set forth the view that there should be a union of Church and State.

It is clear, then, from these quotations that great political thinkers taught that there is a connection between civil government and religion. This connection is a just and necessary one.

52 Ibid., pp. 228-229.

## III

## THE WRITTEN AND THE UNWRITTEN CONSTITUTIONS

The sharp distinction between constitutional and statute law is of modern origin. In the time of the Roman Empire the word "constitution" signified a collection of laws or ordinances made by the emperor.<sup>53</sup> It was used in the same sense in the early history of English law.<sup>54</sup> Now, however, it denotes not a law which the governing power imposes upon the people, but one which the people impose upon the government. Constitutions exist in two different forms, the written and the unwritten. The constitution of England exists only in the unwritten form. There is no single written document which contains it. To know what it is, it is necessary to consult precedents, acts of Parliament, and decisions of courts.<sup>55</sup> Only thus can it be known by what principles the British government is bound.

The Constitution of the United States is both written and unwritten. In an address at the Christian Citizenship Conference in Pittsburgh, Pennsylvania, in 1902, Richard Cameron Wylie said: "There is an unwritten constitution which was born with the nation, was given it by the God of Nations, and which has developed with the nation's growth. There is also a written constitution. It was framed in 1787, by a constitutional convention composed of delegates from the thirteen colonies. It consists of seven articles as originally adopted, and to these fifteen amendments<sup>56</sup> have been

53 *Encyclopaedia Britannica*, VI, p. 314.

54 *Ibid.*, p. 314.

55 *Ibid.*, p. 314.

56 The article was written in 1902. The Constitution has twenty-one amendments at the present time.

added."<sup>57</sup>

To distinguish between the unwritten and the written constitutions, then, is to say that the former has to do with the nation, whereas the latter has to do with its government. The terms "nation" and "government" may be and frequently are used as synonyms, yet there is an important distinction between them. Nations are creatures of God called into being in His providence; government is the divinely-ordained condition and means of their existence. A nation, as the word intimates,<sup>58</sup> is born; government, as the word itself testifies,<sup>59</sup> is the directing and controlling of the nation or the agent of the nation in the work of its direction and control. The original or vital constitution of a nation, therefore, is providential--born with the nation; the constitution of its government is determined by the nation thus vitally constituted.

To show that there is a real and necessary distinction between the written and the unwritten constitutions, it will be necessary to cite several quotations from able political writers.

John Codman Hurd in his work, The Law of Freedom and Bondage in the United States, says: "No written constitution can exist a priori or have an a priori authority. There must have been an existing sovereignty to originate such

57 Report of the Christian Citizenship Conference, 1902, p. 17.

58 From the Latin word "nascor", to be born.

59 From the Greek word "κυβερνάω", to steer or direct. It is applied literally to the steering of a boat, then figuratively, to the directing or controlling of the ship of state.



constitutions.....The possession of sovereignty being a fact, and not an effect of law, whatever written memorials or declarations of the rightfulness of any national sovereignty may exist, they can only proceed from itself, and they can only be taken as historical evidences of its existence."<sup>60</sup>

"The Constitution of the United States," says Brownson in his work, The American Republic, "is twofold--written and unwritten, the constitution of the people, and the constitution of the government. The written constitution is simply a law ordained by the nation or people instituting and organizing the government; the unwritten constitution is the real or actual constitution of the people as a state or sovereign community, and constituting them such or such a state. It is Providential, not made by the nation, but born with it. The written constitution is made and ordained by the sovereign power, and presupposes that power as already existing and constituted."<sup>61</sup>

John Alexander Jameson says: "By the constitution of a commonwealth is meant, primarily, its make-up as a political organism; that special adjustment of instrumentalities, powers and functions by which its form and operations are determined. This is a Constitution, considered as an objective fact. Besides this, the term "Constitution" has a secondary meaning, which is, perhaps, more common than the one given, involving equally the conception of a system

60 Hurd, The Law of Freedom and Bondage in the United States, I, pp. 396-397.

61 Brownson, The American Republic, p. 218.

of political instrumentalities, powers and functions, specially adjusted for the purposes of government, but conceived of, not as an objective fact, but as a systematic written statement of such a fact, in the shape of formulae addressed to the understanding. In other words, a Constitution in this secondary sense, is the result of an attempt to represent in technical language some particular constitution, existing as an objective fact. This is a Constitution as an instrument of evidence."<sup>62</sup>

All these writers, while each one uses a somewhat peculiar terminology, point out essentially the same distinction. Whether we use the terms unwritten or written constitutions or constitutions as objective facts and as instruments of evidence or the constitution of the nation and the constitution of its government, the essential point--the reality and the necessity of the distinction--remains the same.

Since then, the unwritten constitution was born with the nation, that is to say, came into existence before the written constitution, the relation which the written constitution sustains to this earlier constitution of the nation for which it was framed demands that the written constitution shall give legal expression to the essential principles of the unwritten constitution, and authoritative sanction to the distinctive fundamental features of the national life.

<sup>62</sup> Jameson, The Constitutional Convention, p. 66.

In his book, The Nation, Elisha Mulford says: "The formal constitution must correspond to the real."<sup>63</sup> Again, he writes: "There can be no sacredness attaching to the abstract form, and neither devotion nor sacrifice for the constitution when it is regarded only as an abstract formula; it is sacred only in so far as it is affirmative of the law which is implicit in the nation, or as the life of the nation may be affected in its maintenance."<sup>64</sup> He continues by saying that the "life of a people cannot be sacrificed for a political form or a political dogma."<sup>65</sup>

Let us turn then to the point at issue. What is the character of the Constitution of the United States in respect to religion and morals? Does the written Constitution of the nation give legal expression to the essential principles of the unwritten constitution? Does it authenticate the nation's practical acquiescence in the long upheld and distinctive features of our national life? Does it give authoritative sanction to institutions which largely form the vital constitution of the nation? Is the written Constitution of the nation in harmony with the unwritten constitution? Let us examine it.

The unwritten or vital constitution of the United States is and always has been Christian.<sup>66</sup> The men and women who braved the stormy Atlantic in their small and frail ships of the seventeenth century were not infidels, atheists, or pagans. They were Christians seeking a

63 Mulford, The Nation, p. 147.

64 Ibid., p. 146.

65 Ibid., p. 148.

66 See Chapter III, pp. 114-163.

country where they could worship God as they pleased. Roman Catholics came to Maryland "on account of religious persecution in England."<sup>67</sup> The Puritans, who settled in Massachusetts, were unable to reform the Established Church of England and hoped to find a place where they could continue their old form of worship.<sup>68</sup> The Pilgrims suffering persecution when they tried to establish a separate church in England during the reign of James I escaped to Holland where they were allowed to live and worship as they pleased. They were not satisfied, however, to settle permanently in Holland, where their children would intermarry with the Dutch and thus lose their English character. They wanted to begin life in a new land where they could establish a free government and worship God after the dictates of their own consciences. For this reason, they came to America and settled in Massachusetts.<sup>69</sup> The Quakers, who were extreme dissenters from the Established Church, came to Pennsylvania. They wanted to carry out their wishes without restriction.<sup>70</sup> These men and women, therefore, were Christians seeking the freedom of worship. Every American colony, indeed, as a matter of state duty, recognized the Christian religion. The civil institutions were founded by Christian men and based on Christianity with the Bible recognized by all as the standard of political morality. Daniel Webster in an Oration entitled The First Settlement of New England de-

67 Gordy, History of the United States, p. 48.

68 Ibid., pp. 54, 58.

69 Ibid., pp. 54-55.

70 Ibid., pp. 77-78.

livered at Plymouth on December 22, 1820, said: "Finally, let us not forget the religious character of our origin. Our fathers were brought hither by their high veneration for the Christian religion. They journeyed by its light, and labored in its hope. They sought to incorporate its principles with the elements of their society, and to diffuse its influence through all their institutions, civil, political, or literary. Let us cherish these sentiments, and extend this influence still more widely; in the full conviction, that that is the happiest society, which partakes in the highest degree of the mild and peaceable spirit of Christianity."<sup>71</sup> "The sentiment in America," says Joseph Story in his Commentaries on the Constitution, "was, that Christianity ought to receive encouragement from the state, so far as was not incompatible with the private rights of conscience, and the freedom of public worship."<sup>72</sup>

It is a fact, then, that the unwritten constitution of this Nation was Christian when her present written Constitution of government was framed and adopted.

Let us turn to the written Constitution to see if it corresponds to the unwritten constitution.

The Constitution of the United States contains no acknowledgment of God. There are those who believe that they can find traces of Christianity or a recognition of God in it, but we shall point out that this is not the case. It is notoriously the boast of the infidel and the atheist

71 Webster, The Great Orations of Webster, p. 51.

72 Story, Commentaries on the Constitution, III, p. 726.

that the Constitution is always on their side in all questions concerning Sabbath laws, the reading of the Bible in the public schools, public fasts and thanksgivings appointed by the President, and all other similar questions.

Let us begin with the preamble to the Constitution. "We, the People of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America."<sup>73</sup> This is an admirable statement of the ends of civil government. At first reading one would wonder how anyone could make a criticism of it. One unprovided with a correct standard for measuring political documents would pronounce it Christian. But a careful measurement with our moral standard already pointed out will reveal a serious defect. This preamble declares that "We, the people....do ordain and establish this Constitution." The Reformed Presbyterian Church of North America does not object to what the statement contains, but it does object to what it omits. Every Christian will admit that people do ordain and have a right to ordain constitutions of government. Peter wrote to the elect, who were sojourners of the Dispersion: "Submit yourselves to every ordinance of man for the Lord's sake."<sup>74</sup> Furthermore, the striking out of the

<sup>73</sup> See Appendix V, p. 312.

<sup>74</sup> I Peter 2:13.

preamble to the Constitution would not make it Christian, neither would it bring it into harmony with the unwritten constitution of the nation. This preamble, however, does not measure up to the Christian standard. If the expression, "We, the people", had been followed by some such words as, "Acknowledging Almighty God as the source of all power and authority in civil government, the Lord Jesus Christ as the Ruler of Nations, and His revealed will as the supreme standard to decide moral issues in national life," its Christian character would be proven beyond all doubt. There is no indication that the authority to ordain civil government comes from God or that the nation and her government exist in the sphere of divine authority and are subject to moral law. "Let every soul," writes the Apostle Paul, "be subject unto the higher powers. For there is no power but of God: the powers that be are ordained of God."<sup>75</sup>

The first article of the Constitution deals with the legislative powers of Congress.<sup>76</sup> It prescribes the qualifications for membership, manner of election, etc. It catalogues the matters on which Congress may make laws and denies certain powers to the states. Unfortunately, we find no mention in this article of legislation on moral issues or of a moral standard for legislation on any issue. We make no objection to what is contained in the article,

<sup>75</sup> Romans 13:1.

<sup>76</sup> See Appendix V, pp. 312-317.

but we do find fault with the fact that there is no attempt to bring it up to the moral measure which we are applying. What it contains may be in perfect harmony with Christianity; on the other hand, it is likewise in harmony with Mohammedanism or any other false religion or even atheism. We object, therefore, to what it lacks.

The second article of the Constitution deals with the executive power. Here we have set forth the qualifications of the President and the Vice-President; their duties are defined also. The first section of this article closes with the oath or affirmation which the President takes: "Before he enter on the execution of his office, he shall take the following oath or affirmation: 'I do solemnly swear ( or affirm) that I will faithfully execute the office of President of the United States, and will, to the best of my ability, preserve, protect, and defend the Constitution of the United States.'" <sup>77</sup> There is here the same noticeable omission of all reference to divine authority and law. This is even more remarkable because the exact form of the President's oath is given, and this oath omits the usual appeal to God. Inasmuch as such an appeal is the very essence of the oath; and since there can be no real oath without it, this article falls short of the Christian standard. <sup>78</sup>

The third article of the Constitution explains the judicial power of the United States. <sup>79</sup> It sets forth

<sup>77</sup> See Appendix V, Article II, Section I, Clause 8, p. 318.

<sup>78</sup> The oath will be discussed in another chapter.

<sup>79</sup> See Appendix V, pp. 319-320.



certain wise and necessary rules by which this department of the Government is to be regulated. This section, however, contains no hint of our national relation to the Ruler and Judge of nations.

In the fourth article of the Constitution the relation of the United States Government to the different states is set forth.<sup>80</sup> The article requires that full faith and credit shall be given in each state to the public acts of other states. But there is no demand that these acts shall correspond to the moral standard of Christianity.

The fifth article of the Constitution deals with amendments.<sup>81</sup> This article makes it very difficult to amend the National Constitution. Even though the Reformed Presbyterian Church desires to have the Constitution corrected by adding a Christian amendment, our Church considers this inability to amend it easily an excellency rather than a defect; since it makes it almost impossible to introduce anything that would be objectionable to the majority of the people, and since it also assures us that the people must be in earnest before they introduce a change.

The sixth article of the Constitution declares that the Constitution, laws made in pursuance thereof, and all treaties made under the authority of the United States are the supreme law of the land.<sup>82</sup> No objection would be raised in respect to this article if it were made plain that this is merely the supreme human law, and that there is a "Higher Law"

80 See Appendix V, pp. 320-321.

81 See Appendix V, p. 321.

82 See Appendix V, p. 321.

which is above all human enactments. The omission of such a recognition of the "Higher Law" makes the Constitution a pronounced secular document. This article also declares that senators, representatives, members of state legislatures, and all executive and judicial officers shall be bound by oath or affirmation to support this Constitution. Then, this significant statement is added: "But no religious test shall ever be required as a qualification to any office or public trust under the United States."<sup>83</sup> The prohibition of all religious tests is very sweeping. Richard Cameron Wylie points out that "it is proper to prohibit governmental scrutiny into men's religious opinions. But an oath in the name of God is a religious test. An oath to support a Constitution which renders due national submission to God, to Christ, and to the divine will is a religious test. This clause, therefore, bears witness to the fact that the Constitution is not framed in accordance with the Christian view of civil government."<sup>84</sup>

The last article of the Constitution declares that, when nine states have ratified the Constitution, it shall go into effect.<sup>85</sup> The following statement closes the formal Constitution: "Done in convention, by the unanimous consent of the States present, the seventeenth day of September, in the year of our Lord one thousand seven hundred and eighty-seven,....."<sup>86</sup> It has been contended that

83 See Appendix V, Article VI, Clause 3, p. 321.

84 Report of The Christian Citizenship Conference, 1902, p. 20.

85 See Appendix V, pp. 321-322.

86 See Appendix V, Article VII, p. 322.

these words indicate a Christian acknowledgment, and therefore make it a Christian document. These words, however, merely show that the Constitution was made in a certain period of the Christian era and indicate nothing more than the dating of the document. They were added by the clerk, were not voted upon by the convention, and were not intended to be a part of the Constitution; therefore, they have no value in fixing its character. When Governor Lehman of New York State, who is a Jew, issues his Thanksgiving Proclamation, the words, "in the year of the Lord", are added. The words, "in the year of the Lord", merely date the Proclamation. In the formal Constitution, then, we find no acknowledgment of God.

It will be necessary to deal only with the first amendment as the other amendments do not touch on the subject under consideration. The first amendment states: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances."<sup>87</sup> The general purpose of this amendment is most commendable. It makes union of Church and State impossible. It guarantees liberty to every citizen in the exercise of religion, in speech, and in writing. On the other hand, it would have been more commendable if the writers of this first amendment had set

<sup>87</sup> See Appendix V, Article I, p. 323.

a limit. The Constitution of Cuba, for example, has a provision in it which makes Christian morality the limit. Article XXVI reads as follows: "The profession of all religious beliefs, as well as the practice of all forms of religion, are free, without further restriction than that demanded by the respect for Christian morality and public order. The Church shall be separated from the State, which shall in no case subsidize religion."<sup>88</sup> Unfortunately, there is no limit and none of the other amendments adhere to any principle of Christian civil government.

In this investigation we have found that there is no acknowledgment of God in the Constitution nor is there a recognition of the principles of Christian civil government. There are a number of places in the Constitution, however, where the relationship of the Nation and her Government to God, to Christ, and to the Divine Law would have fitted in most admirably. This relationship might have been shown in the preamble, in the President's oath, or in the clauses relating to religion and freedom of speech where constitutions usually embody some acknowledgment of God and His moral law. Since the written Constitution should embody the essential principles of the unwritten constitution, as it has been shown, the written Constitution of the United States fails in this important matter. It is, therefore, in no respect a Christian document.

88 Robinson, Cuba and the Intervention, p. 218.

One may ask, "Is the Constitution the place for this acknowledgment or is it sufficient to recognize him and his law elsewhere; that is, in the unwritten constitution?"

Let us consider national acknowledgments of God found outside the Constitution. There are such acknowledgments in the Declaration of Independence, in the Articles of Confederation, and in other historic documents of our Nation. However, these acknowledgments have today only a historic not a legal value. We do not appeal to these documents at the present time as having any real authority. Likewise, Presidents and other officials often recognize God in addresses as well as in public documents. These acknowledgments are made by our officials only and are not delineated by the people of our Nation. Neither will acknowledgments in statute law be sufficient, for these laws may be declared unconstitutional. The nature and purpose of the Constitution make it clear that it is the proper place for the recognition of the Most High.

The Supreme Court of the United States in the decision concerning the Van Horne versus Dorrance<sup>89</sup> case clarifies for us the proper place for such an acknowledgment. The Supreme Court defined the Constitution as "a form of government, delineated by the mighty hand of the people, in which certain first principles of fundamental laws are established. The constitution is certain and fixed; it contains the permanent will of the people, and is the supreme

89 Dallas, Reports of Cases in the Courts of the United States and of Pennsylvania, II, pp. 304-320.

law of the land; it is paramount to the power of the legislature, and can be revoked or altered only by the authority that made it. The life-giving principle and death-doing stroke must proceed from the same hand.....The constitution is the work or will of the people themselves, in their original, sovereign and unlimited capacity....In short, gentlemen, the constitution is the sun of the political system, around which all legislative, executive and judicial bodies must revolve. Whatever may be the case in other countries, yet, in this, there can be no doubt, that every act of the legislature, repugnant to the constitution, is absolutely void."<sup>90</sup> In this decision it is affirmed that the Constitution is delineated by the people, and it is the people who should make this acknowledgment instead of the President or certain high officials or statements in old historic documents or in any statutory laws.

We have here, then, a direct violation of what we have already seen to be a fundamental principle of constitutional law. We have a non-Christian, or rather, as it necessarily proves in its practical application, an anti-Christian Constitution of government for a Christian people. David McAllister in his Christian Civil Government describes the condition as follows: "Here we have the anomaly of a nation distinctly Christian in its civilization and institutions, with Christianity, as Chancellor Kent and numerous other eminent judges have decided, as its common law, adopting a constitution of government by which

90 Ibid., p. 308.

Mohammedanism or any other false religion, or even atheism, is in effect held to be as closely related and as beneficial to our national life as the one true religion, the religion of Christ. Here we have a nation undoubtedly Christian in its vital constitution, and yet a written constitution of government for it which, instead of giving legal expression and authentication to the facts of its real character, formulates a principle never evolved as a fact by the social forces of the nation--the principle that the religion of Mussulmans, that infidelity and atheism, politically and nationally viewed, shall be placed on a perfect equality with Christianity."<sup>91</sup>

The fact, then is that we have a non-Christian written Constitution and a Christian unwritten constitution. Since there is this lack of correspondence between the two, what is the remedy? John Alexander Jameson gives us the answer. It is all the more striking and conclusive because it is not given in reference to any point in particular, but it is given as a general principle applicable to all points alike. He writes: "Not only may the people, but if they would insure peace with prosperity, they must by amendments cause the former to conform substantially to the latter."<sup>92</sup> It is the desire of the Reformed Presbyterian Church to add a Christian amendment to the Constitution, so that there will be a correspondence between the written and the unwritten constitutions.

Such an amendment should be added to the Constitution

91 McAllister, Christian Civil Government, p. 132.

92 Jameson, The Constitutional Convention, p. 73.

of the United States, because it is the fundamental law laying down principles and rules to govern its agent, the Government. A fundamental principle thus embodied in the Constitution is felt throughout the whole political structure erected upon it. The absence of a fundamental principle that should be there will be felt greatly. If our Nation is a Christian one born of Christian parentage with a glorious inheritance of Christian institutions that we seek to preserve and pass down to future generations, we should record our national Christian aim and purpose in our fundamental law as the only way of giving it authoritative expression to make it permanently binding upon the national government and upon all state governments as well. If Christian people refuse to embody their Christian principles of civil government in their organic law as the supreme act of national life, they cannot expect to remain a Christian people.

Already as a Nation we have seen the logical effect of our national failure to express the Christian principles of government in the Constitution. The wide-spread divorce for almost any reason that one can propose, the breaking down of the Sabbath laws, the expulsion of the Bible from public schools, the disrespect for the oath, these and many other trends toward secularism can be partially traced to the failure of our Nation to incorporate in the supreme law of the Nation Christian principles. Thomas P. Stevenson, for many years the Corresponding Secretary of the National



Reform Association, points out clearly the effect of this failure on the Nation. "Most plausibly," he writes, "they" (the enemies of our Christian laws and customs, such as Sabbath laws, and the Bible in the schools) "reason thus:-

'The Constitution is our political covenant, on the terms of which we have united in forming the American government. In that Constitution there is no reference to any system of morality or religion, and therefore it is unfair to foist upon the government, in its administration, a religious character not agreed upon in our mutual covenant.' Or again they say: 'The Constitution is the charter of the Government. It contains all the functions it may properly perform; all the powers it may ever exercise. The exercise of any religious function is therefore extra-constitutional, a clear departure from that secular sphere which alone is covered by the language of the Constitution. This departure may have been tolerated by general consent in the past, but it must cease whenever any party falls back, as we now do, on the letter of the Constitution and demands strict adherence to its provisions.'..... They have an argument too in the silence of the Constitution, an argument which is strong in proportion to the overshadowing dignity and authority of that instrument, an argument which is used as a powerful lever to overturn the most cherished and important features of our institutions. We must wrest this argument from the unbeliever or he will wrest from us every argument which defends our Christian institutions. We can no longer leave so precious, so vital a body of laws and usages as those

which defend the Sabbath, Christian marriage, the sacred name of God, and the oath, exposed to the argument drawn from a Constitution which contains no utterance in their favor. We must throw around them the shield of Constitutional provision, we must provide for them a basis in our fundamental law, or they perish out of our life as a nation."<sup>93</sup>

The evil effects are clearly seen in the matter of divorce. The number of divorces has shown steady increase each year since 1887 when statistics were first taken. In proportion to every 100 marriages performed divorces numbered 7.9 in 1900.... 16.3 in 1932.<sup>94</sup>

In addition to the increase in divorce, there is also the passing of the Sabbath laws. Several years ago Dr. Renwick H. Martin, the present President of the National Reform Association, published a book in defense of the Sabbath. One of the chapters of this book deals with Our Civil Sabbath Laws. In this chapter he points out that six of the states together with the District of Columbia have practically no Sabbath laws. In these states "the first day of the week is a legal holiday, but there is either no legal restriction on secular labor and business on this day, or the restriction is so very limited and so far removed from regard for the Lord's Day that these restrictions can scarcely be regarded as Sabbath laws."<sup>95</sup> He indicates that labor, business, and amusements can operate

93 The Christian Statesman, V, Feb. 15, 1872, p. 96.

94 Encyclopaedia Britannica, XXII, p. 737.

95 Martin, The Day, p. 44.

as on other days of the week. Likewise, he informs us that there are eight states with weak Sabbath laws. In these states the law merely prohibits interference with the peace and good order of society and the peace of any private family. "All kinds of labor and business," declares Dr. Martin, "can be carried on on the Lord's Day provided they do not disturb the peace and good order of society."<sup>96</sup> Furthermore, he says that fourteen states have medium Sabbath laws. These states prohibit certain "secular labor and business on the Lord's Day, but most of them contain a large number of exceptions especially with reference to amusements and sports, which very materially weaken the law. Some of them grant local option to cities and towns on major amusements and sports and sometimes on other lines of labor and business."<sup>97</sup> The other twenty states have good or fairly good Sabbath laws according to this writer.<sup>98</sup> The tragedy of it is that the commercial interests of the nation are gaining ground each year. City after city and town after town are permitting the Moving Picture Industry to open their places of amusement on the Sabbath. Three years ago this industry requested the City Council of the City of Newburgh to permit it to open certain theaters on the Sabbath for benefit performances. After the people became accustomed to Moving Pictures on the Sabbath, it was not difficult for the leaders of the industry to obtain a law from the City Fathers to have these places of amusement

96 Ibid., p. 43.

97 Ibid., p. 40.

98 Ibid., pp. 36-37.

open every Lord's Day. A Nation without Christian principles incorporated in her supreme law can expect this trend toward secularism. Dr. Stevenson spoke truly when he said that we must "throw around them" (the Sabbath, Christian marriage, the sacred name of God, and the oath) "the shield of constitutional provision, we must provide for them a basis in our fundamental law, or they perish out of our life as a nation."<sup>99</sup> The Nation is reaping the effects of our national failure to express the Christian principles of government in the Constitution.

We have shown that the character of the Constitution of the United States is silent in respect to morals and religion; that it gives no legal expression to essential principles of the unwritten constitution; that it does not authenticate the Nation's practical acquiescence in the long upheld and distinctive features of our national life; and that it does not give authoritative sanction to institutions which largely form the vital constitution of the Nation. The Reformed Presbyterian Church of North America maintains that a Christian amendment should be added to the Constitution to correct these fundamental faults. The purpose of this amendment would not aim to take away even the shadow of any right of any citizen now enjoyed under the Constitution, but it would erect a barrier against the aggressiveness of atheism, Mormonism, or any other form of religion or anti-religion that would seek to subvert the

<sup>99</sup> The Christian Statesman, V, Feb. 15, 1872, p. 96.

historic American ideal. Such an amendment might be inserted in the Preamble to the Constitution, and it might read as follows: "We, the people, believing in Almighty God as the Creator of the universe and in Jesus Christ as the Supreme Ruler of all nations, in order to form a more perfect union, establish justice and Christian morality, insure tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America."<sup>100</sup> Such an amendment would bring the written Constitution into harmony with the unwritten constitution.

100 The underscored parts are to be added.

CHAPTER III  
HISTORICAL TEACHING

- I. Charters of the Colonies
- II. Compacts of the Colonies
- III. Laws of the Colonies
- IV. National Acknowledgments
- V. Christianity and the Common Law
- VI. Recent Acknowledgments of our National Christianity

## CHAPTER III

### HISTORICAL TEACHING

We have shown that there is scriptural and philosophical teaching to prove the doctrine of the Headship of the Lord Jesus Christ over the nations. We shall turn now to the official documents of our Government from the earliest times to the present to show that there is justification for our thesis. In these documents we find numerous illustrations of the politico-moral principles which the Reformed Presbyterian Church of North America contends should be embodied in our fundamental law. Many of these documents are comparatively little known and are inaccessible to the average reader. For this reason they are often overlooked by writers on the subject of the Kingship of Christ. The citations in this chapter, therefore, may be regarded simply as examples of the many Christian documents in our political history. We shall follow as far as possible the chronological order.

#### I

#### COLONIAL CHARTERS

The first charters to which we shall turn are the Colonial Charters granted by kings of England from James I to George II.

the first of these Colonial Charters was granted by James I on April 10, 1606 for the settlement and possession of Virginia.<sup>1</sup> In the years immediately preceding 1606, the English endeavored to settle in America through personal enterprise. Both Sir Humphrey Gilbert and Sir Walter Raleigh seemingly failed. Although there remained no apparent result of their efforts, their work was not in vain; for their efforts had suggested to England that the real wealth of America lay not in gold and silver but in the opportunity afforded for planting colonies which in time would become the foundation of a new English Empire. In 1606, Raleigh assigned his interests in the new world to a number of merchants and capitalists who received a charter from King James I and formed two companies for colonizing America. One of these companies was called the London Company which was to occupy the territory in America from Cape Fear to the mouth of the Potomac. In the Charter granted to this company under which the colonists were to live, we find the close and proper connection between government and people. This Charter speaks of the colonists who are first to erect governmental institutions in America, as having desires "for the furtherance of so noble a work, which may, by the providence of Almighty God, hereafter tend to the glory of his divine Majesty, in propagating of Christian religion to such people, as yet live in darkness and miserable ignorance of the true knowledge and worship

1 Bancroft, History of the United States, I, p. 120;  
Gordy, History of the United States, pp. 36-40.



of God, and may in time bring the infidels and savages, living in those parts, to human civility, and to a settled and quiet government."<sup>2</sup>

On May 23, 1609, a second Charter was granted to the colony of Virginia.<sup>3</sup> It declares that it shall be necessary for all who shall "inhabit within the said precincts of Virginia, aforesaid, to determine to live together, in the fear and true worship of Almighty God, Christian peace, and civil quietness,"<sup>4</sup> In the closing section there is another statement concerning the attitude toward the Christian religion: "And lastly, because the principle effect, which we can desire or expect of this action, is the conversion and reduction of the people in those parts unto the true worship of God and Christian religion, in which respect we should be loath, that any person should be permitted to pass, that we suspected to effect the superstitions of the Church of Rome: We do hereby declare, that it is our will and pleasure, that none be permitted to pass in any voyage, from time to time to be made into the said country, but such, as first shall have taken the oath of supremacy,"<sup>5</sup>

The Great Patent of New England granted by James I on November 3, 1620 speaks of the proposed settlement as being undertaken "in Hope thereby to advance the enlarge-

2 Brown, Genesis of the United States, I, p. 53.

3 Ibid., p. 206.

4 Ibid., p. 235.

5 Ibid., p. 236.

ment of the Christian Religion, to the Glory of God Almighty."<sup>6</sup> This settlement was not undertaken without the persuasion of the Most High, for the Charter continues: "Whereby we in our Judgement are persuaded and satisfied that the appointed Time is come in which Almighty God in his great Goodness and Bounty towards Us and our People, hath thought fit and determined, that those large and goodly Territories, deserted as it were by their natural Inhabitants, should be possessed and enjoyed by such of our subjects and people as heretofore have and hereafter shall by his Mercies and Favour, and by his Powerful Arm, be directed and conducted thither."<sup>7</sup> The document, likewise, expresses the desire to follow "God's sacred Will", to render "reverend Thanks to his Divine Majesty for his gracious favour", and to prosecute "to his Glory, the settling of so hopeful a Work, which tendeth to the reducing and Conversion of such Savages as remain wandering in desolation and distress, to Civil Society and the Christian religion."<sup>8</sup>

Later, Charles I granted a Charter for the colony of Massachusetts Bay on March 4, 1644. It states the principle end of the plantation was the winning and inciting of "the Natives of the Country" by the "good life and orderly conversation of the Colonists, to the

6 Hazard, Historical Collections, I, p. 103.

7 Ibid., p. 105.

8 Ibid., p. 105.

Knowledge and Obedience of the only true God and the Saviour of Mankind, and the Christian faith."<sup>9</sup>

In two charters granted by Charles II, we find embodied in them Christian principles. The first Charter was given to William Penn and bears the date March 4, 1681. Here we have stated in beautiful language in keeping with the mild character of the pacifier of the Indians the reason for his desire to settle a strong colony across the sea which was "to reduce the Savage Natives, by gentle and just manners to the Love of Civil Society and the Christian Religion."<sup>10</sup>

The other Charter was granted by Charles II in 1663 to the Rhode Island Colony.<sup>11</sup> This document was so completely satisfactory to the colonists, and later to their descendants during the Revolution and subsequently, that it remained as the basis of the government for one hundred and eighty years. Not until the year 1842 was a written constitution, similar to those of other states, framed for the government of Rhode Island to take the place of this Charter.

This Charter guaranteed religious freedom. It begins with the statement that "it is much on their hearts (if they may be permitted) to hold forth a lively experiment, that a most flourishing civil State may stand and best be maintained....with a full liberty in religious concernments," and then states definitely that "no person within the said

9 Ibid., p. 252.

10 Preston, Documents Illustrative of American History, p. 131.

11 Ibid., pp. 110-111.

colony, at any time hereafter, shall be any wise molested, punished, disquieted, or called in question, for any difference in opinion in matters of religion, and do not actually disturb the civil peace of our said colony; but that all and every person and persons may, from time to time, and at all times hereafter, freely and fully have and enjoy his and their own judgments and consciences, in matters of religious concernments."<sup>12</sup> This guarantee of religious liberty, however, was not designed against religion but was incorporated to secure liberty in religion.

There is another striking provision in the Rhode Island Charter, which requires that the colonists are to behave themselves peaceably and quietly by not using their "liberty to licentiousness and profaneness."<sup>13</sup>

It was designed, too, so that the people might "be in the better capacity to defend themselves, in their just rights and liberties, against all the enemies of the Christian faith."<sup>14</sup> They wanted "true piety rightly grounded upon gospel principles," believing that such conduct "will give the best and greatest security to sovereignty, and will lay in the hearts of men the strongest obligations to true loyalty."<sup>15</sup>

It is to be remembered that the purpose of the Rhode Island colonists was, as in the case of the people of other colonies, to promote the religious life of the Indians as well as themselves. This purpose is affirmed in the Charter

<sup>12</sup> Preston, Documents Illustrative of American History, pp. 112-113.

<sup>13</sup> Ibid., p. 113.

<sup>14</sup> Ibid., p. 113.

<sup>15</sup> Ibid., p. 112.

and was carried out by the colonists who went among the Indians "pursuing, with peaceable and loyal minds, their sober, serious, and religious intentions, of godly edifying themselves, and one another, in the holy Christian faith and worship, as they were persuaded; together with the gaining over and conversion of the poor, ignorant Indian natives, in those parts of America, to the sincere profession and obedience of the same faith and worship."<sup>16</sup>

The Charter of Rhode Island shows the intimate relation between government and Christianity. It proves it to be one of the earliest and finest examples of a truly free and Christian Commonwealth. It sets forth a Christian example of religious liberty with restrictions against licentiousness and profaneness. It acknowledges its obligations to God and Christianity.

These quotations taken from our first Charters indicate the intimate relationship of government and Christianity in those early days. There seemed to be no doubt in the minds of our pioneers in regard to their allegiance to God or in regard to the proper place in which to incorporate it.

## II

### COLONIAL COMPACTS

The second group of documents that furnishes a historical basis for our national Christianity is the compacts of government into which the colonists entered on coming to this country. These documents are most important because

<sup>16</sup> Ibid., p. 111.

they set forth the true attitude of the people themselves in respect to government.

The earliest of these compacts is the one drawn up and signed by the Pilgrim Fathers on November 11, 1620 in the cabin of the Mayflower before they set foot on Plymouth Rock. In this political covenant they agreed to make and support laws which would be for the best interest of all. The opening words of the document reveal the spirit in which our fathers began to build the civil institutions of the country: "In the name of God, Amen."<sup>17</sup> Then, they covenanted in these words: "We, whose names are underwritten,....having undertaken, for the glory of God, and advancement of the Christian faith, and the honor of our king and country, a voyage to plant the first colony in the northern parts of Virginia, do, by these presents, solemnly and mutually, in the presence of God, and one of another, covenant and combine ourselves together, into a civil body politic, for our better ordering and preservation, and furtherance of the ends aforesaid."<sup>18</sup>

The Rhode Island Compacts were based on Christian principles too. The settlement of Rhode Island was an offshoot of Massachusetts. When the Puritans came to Massachusetts, they came not to establish religious freedom but to form a state where they would have freedom for their own religion. Roger Williams, the young pastor of a church at Salem, declared that "no man should have to pay taxes to support any church, nor should he be punish-

<sup>17</sup> Bancroft, History of the United States, 1, p. 309.

<sup>18</sup> Ibid., p. 309.

ed by the magistrates for not attending church services."<sup>19</sup> Expelled from the colony of Massachusetts in 1635, he descended the Pawtucket and bought a piece of land from the Indians. In this wilderness he settled and "to express his unbroken confidence in the mercies of God, Williams called the place Providence."<sup>20</sup> Several years later Anne Hutchinson and William Coddington with some others were banished likewise. In March, 1638, a band of Antinomians, including Anne Hutchinson and Coddington, settled at Portsmouth. With the aid of Roger Williams the island now called Rhode Island was purchased by the new settlers. For a period of sixteen years the two bands continued as separate communities with separate governments. These settlers in Rhode Island, who were apostles of liberty of conscience, however, never dreamed of a civil community without a religious character. Immediately after settling, these colonists subscribed to the following Compact of Government: "We, whose names are underwritten, do hereby solemnly, in the presence of Jehovah, incorporate ourselves into a Body Politic; and as he shall help, will submit our persons, lives, and estates unto our Lord Jesus Christ, the King of kings and the Lord of lords, and to all those perfect and absolute laws of his, given us in his holy Word of truth, to be judged and guided thereby."<sup>21</sup> One could not find a more thoroughly Christian document of government in the records of the colonies than this one. As David McAllister points out, it is the summation of the

19 Gordy, History of the United States, p. 63.

20 Bancroft, History of the United States, I, p. 379.

21 Bartlett, Records of the Colony of Rhode Island, I, p. 52.

"three fundamental principles lying at the basis of all Christian government--an acknowledgment of the Sovereign Jehovah, the political Messiahship of Christ, and the supreme authority of the Word of God."<sup>22</sup>

William Coddington was elected by the people to lead the colony. The new Governor covenanted "to do Justice and Judgment impartially according to the laws of God, and to maintain the Fundamental Rights and Privileges of this Body Politic, which shall hereafter be ratified according unto God, the Lord helping me so to do."<sup>23</sup> The people, likewise, solemnly ratified the election in these words: "We that are Freemen Incorporate of this Body Politic, do elect and constitute William Coddington, Esq., a Judge amongst us, and so covenant to yield all due honor unto him according to the laws of God, and so far as in us lies to maintain the honor and privileges of his place, which shall hereafter be ratified according unto God, the Lord helping us so to do."<sup>24</sup> In this mutual engagement governor and people appeal to their acknowledged standard in the phrases "according unto God" and "according to the laws of God."

Just as the Pilgrim Fathers and the settlers of Rhode Island drew up religion governmental compacts, so also did the colonists of Connecticut form a similar document on January 14, 1638.<sup>25</sup> The preamble of this document is distinctly religious: "Forasmuch as it hath pleased the Almighty God by the wise disposition of his divine providence

22 McAllister, Christian Civil Government, p. 56.

23 Bartlett, Records of the Colony of Rhode Island, I, p. 53.

24 Ibid., p. 52.

25 Trumbull, The Public Records of the Colony of Connecticut, p. 25.



so to order and dispose of things that we the Inhabitants and Residents of Windsor, Hartford and Wethersfield now cohabiting and dwelling in and upon the River of Connecticut and the Lands thereunto adjoining; And well knowing where a people are gathered together the Word of God requires that to maintain the peace and union of such a people there should be an orderly and decent Government established according to God, to order and dispose of the affairs of the people at all seasons as occasion shall require; do therefore associate and conjoin ourselves to be as one Public State or Commonwealth; and do, for ourselves and our Successors and such as shall be adjoined to us at any time hereafter, enter into Combination and Confederation together, to maintain and preserve the liberty and purity of the gospel of the Lord Jesus which we now profess, as also the discipline of the Churches, which according to the truth of the said gospel is now practiced amongst us, As also in our Civil Affairs to be guided and governed according to such Laws, Rules, Orders and Decrees as shall be made, ordered & decreed."<sup>26</sup>

The first article of the Compact provides that the governor "shall have power to administer justice according to the Laws here established, and for want thereof according to the rule of the word of God."<sup>27</sup> The governor on assuming his office was required to take the following oath: "I, \_\_\_\_\_, being now chosen to be Gover-

26 Ibid., pp. 20-21.

27 Ibid., p. 21.

nor within this Jurisdiction, for the year ensuing, and until a new be chosen, do swear by the great and dreadful name of the ever-living God, to promote the public good and peace of the same, according to the best of my skill; and also will maintain all lawful privileges of this Commonwealth; as also that all wholesome laws that are or shall be made by lawful authority here established, be duly executed; and will further the execution of Justice according to the rule of God's Word; so help me God, in the name of the Lord Jesus Christ."<sup>28</sup>

One more striking illustration of the religious character of these early compacts will be noted. It is called the Combination of the Settlers at Exeter in New Hampshire and is dated the fourth day of the eighth month, 1639. The agreement into which the members of the church at Exeter and other inhabitants entered reads as follows: "Whereas it hath pleased the Lord to move the Heart of our dread Sovereign Charles by the Grace of God King Etc., to grant license and Liberty to sundry of his subjects to plant themselves in the Western parts of America. We his loyal Subjects, Brethren of the Church in Exeter, situate and lying upon the River Pascataqua, with other Inhabitants there, considering with ourselves the holy Will of God and our own Necessity, that we should not live without wholesome Laws and Civil Government among us, of which we are altogether destitute; do, in the name of Christ and in the Sight of God, combine ourselves together to erect and set

<sup>28</sup> Ibid., pp. 25-26.

up among us such government as shall be, to our best discerning, agreeable to the Will of God, professing ourselves Subjects to our Sovereign Lord King Charles according to the Liberties of our English Colony of Massachusetts, and binding of ourselves solemnly by the Grace and help of Christ, and in his Name and fear, to submit ourselves to such Godly and Christian laws as are established in the realm of England, to our best Knowledge, and to all other such Laws which shall upon good grounds be made and enacted among us according to God, that we may live quietly and peaceably together in all godliness and honesty."<sup>29</sup> Thirty-five colonists signed this document.

Under this Compact of government the ruler had to swear to this oath: "You shall swear by the great and dreadful Name of the High God, Maker and Governor of heaven and earth, and by the Lord Jesus Christ, the Prince of the Kings and rulers of the earth, that in his Name and fear you will rule and govern his people according to the righteous will of God, ministering justice and judgment on the workers of iniquity, and ministering due encouragement and countenance to well-doers, protecting of the people so far as in you lieth, by the help of God, from foreign annoyance and inward disturbance, that they may live a quiet and peaceable life in all godliness and honesty. So God be helpful and gracious to you and yours in Christ Jesus."<sup>30</sup>

The people, likewise, were called upon to swear to an oath which reads as follows: "We do swear by the Great and

<sup>29</sup> Hazard, Historical Collections, I, p. 463.

<sup>30</sup> Bouton, Documents and Records Relating to New Hampshire, I, p. 133.

dreadful Name of the High God, Maker and Governor of heaven and earth, and by the Lord Jesus Christ, the King and Saviour of his people, that in his Name and fear, we will submit ourselves to be ruled and governed according to the will and Word of God, and such wholesome laws and ordinances as shall be derived<sup>31</sup> therefrom by our honored Rulers and lawful assistants, with the consent of the people, and that we will be ready to assist them by the help of God, in the administration of justice and preservation of the peace, with our bodies and goods and best endeavors according to God. So God protect and save us and ours in Jesus Christ."<sup>32</sup>

The Articles of Confederation of the United colonies of New England<sup>33</sup> begin with these words: "Whereas we all came into these parts of America with one and the same end and aim, namely, to advance the kingdome of our Lord Jesus Christ, and to enjoy the liberties of the Gospel in puritie and peace....." In the second article stress is laid upon "preserving and propagating the truth and liberties of the Gospel."<sup>34</sup>

The quotations from these Colonial compacts show beyond a doubt that the colonists supported and sustained in their political documents the Christian religion. The founders of the country were deeply religious and incorporated their beliefs in their government.

31 Belknap has the word "derived". Hon. C. H. Bell of Exeter believed the true reading to be "directed". See Bouton, I, p. 133.

32 Bouton, I, p. 134

33 The colonies of this Confederation were Massachusetts, New Plymouth, Connecticut, and New Haven. Subscribed May 19, 1643.

34 Preston, Documents Illustrative of American History, pp. 87-88.

## III

## LAWS OF THE COLONIES

The third group of documents that furnishes a historical basis for our national Christianity is the laws which were passed by the colonists. Many illustrations of a religious nature may be gleaned from these acts of legislation.

One of the earliest laws dealt with the observance of the Christian Sabbath. The colony of Virginia, in 1623, passed an act; the first part of which dealt with the House of Worship; the second part, with attendance at church on the Sabbath day. The act is as follows:

"I. That there shall be in every plantation, where the people use to meete for the worship of God, a house or roome sequestred for that purpose, and not to be for any temporal use whatsoever, and place empaled in, sequestred only to the buryal of the dead.

"II. That whosoever shall absent himselfe from divine service any Sunday without an allowable excuse shall forfeite a pound of tobacco, and he that absenteth himselfe a month shall forfeit 50 lb. of tobacco."<sup>35</sup>

On October 16, 1629, the law was renewed with the orders that there be "especiall care taken by all commanders and others that the people doe repaire to their churches on the Saboth day," that the "penalty of one pound of tobacco for time of absence and 50 pounds for every months absence sett downe in the act of the Generall Assembly 1623, be

35 Hening, Statutes at Large, I, pp. 122-123.

levyed and paid," and that "the Saboth day be not ordinarily profaned by workeing in any imployments or by journeying from place to place."<sup>36</sup>

Thirteen years later (1642) the law was enlarged to prohibit profanity and blasphemy. Church wardens were bound by oath to "deliver in a true presentment in writing of such misdemeanors as to their knowledge have been committed the year before, whilst they have been church wardens, namely, swearing, prophaning God's name, and his holy Saboths, abuseing his holy word and commandments, contemning his holy sacraments or anything belonging to his service or worship."<sup>37</sup>

On March 13, 1657, the Grand Assembly of the colony of Virginia gathered at James City to revise their laws. As it is stated in the preamble to the enactments of this Assembly, they formed their laws, "according to the duty they owed to God, and the trust reposed in them by the country."<sup>38</sup> Among the acts we find this law concerning the observance of the Sabbath: "That the Lord's Day be kept holy, and that no journeys be made except in case of emergent necessitie on that day, that no goods bee laden in boates nor shooteing in gunns or the like tending to the prophanation of that day, which duty is to be taken care of by the ministers and officers of the several churches, & by the commissioners in their places, and the partie delinquent to pay one hundred pounds of tobacco, or layd in the stocks, and to take care

36 Ibid., p. 144.

37 Ibid., p. 240.

38 Ibid., p. 432.

that servants and others do repaire to their several churches everie Lord's Day."<sup>39</sup>

The colony of Rhode Island's Compact, the Portsmouth Compact, contained laws manifesting the supreme regard which the people of that colony had for the authority of the Word of God. One law of this Compact reads: "It is ordered, that none shall be received as inhabitants or Freemen, to build or plant upon the Island, but such as shall be received in by the consent of the Body, and do submit to the Government that is or shall be established according to the Word of God."<sup>40</sup> Another act by the same colony provides that "the Judge, together with the elders, shall Rule and Govern according to the General Rule of the Word of God, when they have no particular rule from God's Word by the Body Prescribed as a direction unto them in the case."<sup>41</sup> It enacted also the legislation "that all cases, actions, and Rules, which have passed through their hands, shall by the judge and elders be scanned and weighed by the Word of Christ."<sup>42</sup>

The celebrated Great Law or the Body of Laws of Pennsylvania supplies another good illustration of the attitude of the colonists concerning the Christian religion. The term "Great Law" refers to the laws passed by the Assembly which met at Chester, December 7, 1682. These laws were for "the province of Pennsylvania, the territories there unto belonging."<sup>43</sup>

39 Ibid., p. 434.

40 Bartlett, Records of the Colony of Rhode Island, I, p. 53.

41 Ibid., p. 63.

42 Ibid., pp. 63-64.

43 Linn, Charter to William Penn, p. 107.

The preamble contains an explicit acknowledgment of the Almighty. It is as follows: "Whereas, the glory of the Almighty God and the good of mankind, is the reason and end of government, and therefore, government in itself is a venerable ordinance of God. And forasmuch as it is principally desired and intended by the Proprietary and Governor and the freemen of the Providence of Pennsylvania and territories there unto belonging, to make and establish such laws as shall best preserve true Christian and Civil Liberty, in opposition to all Unchristian, Licentious, and unjust practices, (whereby God may have His due, Caesar his due, and the people their due,) from tyranny and oppression of the one side, and insolence and Licentiousness of the other, so that the best and firmest foundation may be laid for the present and future happiness of both the Governor and the people, of the Province and territories aforesaid, and their posterity--'Be it therefore, Enacted....' "44

In the body of the Great Law care was taken to secure for everyone true liberty of conscience. This provision, however, was not meant to sanction irreligious or atheistic license but to guarantee genuine Christian liberty in subjection to the laws. Christian liberty was assured to the people of Pennsylvania in this part of the law: "Almighty God, being only Lord of Conscience, Father of Lights and Spirits, and the author, as well as object, of all Divine knowledge, faith, and Worship, who only can enlighten the

44 Ibid., p. 107.



mind, and persuade and convince the understanding of people, in due reverence to His Sovereignty over the Souls of Mankind: Be it enacted by the Authority aforesaid, That no person, now, or at any time hereafter, living in this province who shall confess and acknowledge one Almighty God to be the Creator, Upholder, and Ruler of the world, and who professes, him, or herself obliged in Conscience to Live peaceably and justly under the civil government, shall in any wise be molested or prejudiced for his, or her Conscientious persuasion or practice. Nor shall he or she at any time be compelled to frequent or maintain any religious worship, place, or Ministry whatever, contrary to his or her mind, but shall freely and fully enjoy his, or her Christian liberty in that respect, without any interruption or reflection. And if any person shall abuse or deride any other for his, or her different persuasion and practice in the matter of religion, such shall be looked upon as a Disturber of the peace, and be punished accordingly. But to the end that Looseness, irreligion, and Atheism may not creep in under pretense of Conscience in this Province, Be it further enacted by the authority aforesaid, That according to the example of the primitive Christians, and for the ease of creation, every first day of the week, called the Lord's Day, people shall abstain from their usual and common toil and labor, that whether Masters, Parents, Children, or Servants, they may the better dispose themselves to read the Scriptures of

truth at home, or frequent such meetings of religious worship abroad as may best suit their respective persuasions."<sup>45</sup> We see by this law that the people of the Province of Pennsylvania were given the liberty of conscience in the manner of worshiping God, and yet there was to be no unnecessary work in the Province on the Sabbath. The observance of this law would keep the materialistic minded persons from undermining the religion of those who desire to worship God. In addition to this law there were enactments against profanity and blasphemy. Here again, a safeguard was placed to keep the Province from becoming atheistic. "Whosoever shall swear in their common conversation, by the name of God, or Christ, or Jesus, being Legally convicted thereof, shall pay for every such offence five shillings, or suffer five days imprisonment in the house of correction, at hard labor, to the behoof of the public, and be fed with bread and water only, during that time."<sup>46</sup>

There is one more provision in this Great Law which is worthy of consideration and which points out the feeling of the people of Pennsylvania in respect to God, namely, the rulers were to be God-fearing and honest men. This requirement for office-holders is indicated in the second section of the law: "That all officers and persons Commissionated and employed in the service of the government in this Province, and all Members and Deputies elected to

45 Ibid., pp. 107-108.

46 Ibid., pp. 108-109.

serve in the Assembly thereof, and all that have right to elect such Deputies, shall be such as profess and declare they believe in Jesus Christ to be the Son of God, and Saviour of the world, and that are not Convicted of ill-fame, or unsober and dishonest Conversation, and that are of one and twenty years of age at least."<sup>47</sup>

In Colonial times the education of young people in matters of religion was not ignored. For example, on March 17, 1664, an ordinance was passed which was known as "The Ordinance of the Director General and Council of New Netherland for the better and more careful Instruction of Youth in the Principles of the Christian Religion."<sup>48</sup> The law reads as follows: "Whereas it is most highly necessary and most important that the youth from childhood up be instructed not only in Reading, Writing and Arithmetic, but especially and chiefly in the principles and fundamentals of the Reformed Religion, according to the lesson of that wise King, Solomon,--'Train up a child in the way he shall go, and when he is old he will not depart from it,' --so that in time such men may proceed therefrom, as may be fit to serve their Fatherland as well in the Church as in the State. This, then, being taken into particular consideration by the Director General and Council of New Netherland, because the number of Children is, through the merciful blessing of the Lord, considerably increasing here, they have deemed it necessary, in order that so useful and

<sup>47</sup> Ibid., p. 108.

<sup>48</sup> O'Callaghan, Laws and Ordinances of New Netherland, p. 461.

God-acceptable a work may be the more effectually promoted, to recommend and command the Schoolmasters, as we do hereby, that they shall appear in the Church, with the Children committed to their care, and entrusted to them, on Wednesday before the commencement of the Sermon, in order, after the conclusion of Divine Service, that each may, in the presence of the Reverend Ministers and the Elders who may be present, examine his Scholars as to what they have committed to memory of the Christian commandments and Catechism, and what progress they have made; after which performance, the Children shall be dismissed for that day, and allowed a decent recreation."<sup>49</sup>

From the illustrations quoted--and these are only a small number of the laws of the colonies concerning the matter of religion--it has been shown that the colonists were deeply religious and that they incorporated their religious beliefs in their statutes. Christianity became a part of their government. Justice Story affirms this truth in these words: "Every American colony, from its foundation down to the revolution,....did openly, by the whole course of its laws and institutions, support and sustain, in some form, the Christian religion."<sup>50</sup>

#### IV

#### NATIONAL ACKNOWLEDGMENTS

The fourth group of documents that furnishes a histori-

49 Ibid., p. 461.

50 Story, Commentaries on the Constitution, III, p. 724.

cal basis for our national Christianity is the early national acknowledgments. We shall cite several illustrations to point out their connection with the Christian religion.

At the opening of the Continental Congress at Philadelphia, September 5, 1774, it was resolved that the Reverend Jacob Duché be asked to open the Congress with prayer.<sup>51</sup> John Jay of New York and John Rutledge of South Carolina objected to the resolution "on account of the great diversity of religious sentiments,"<sup>52</sup> among the delegates. Their objections were overcome by an overwhelming majority. In that hour when a youthful nation was struggling through a revolution into the family of nations, men turned to God for refuge and for strength. Before the day closed an express arrived with the report of a bloody attack on the people by the troops at Boston and of patriotic comrades rising in arms. The next morning Jacob Duché, an Episcopalian minister, read the Psalm appointed for the day.<sup>53</sup>

Plead my cause, O Lord, with them that strive with  
me: fight against them that fight against me.  
Take hold of shield and buckler, and stand up  
for mine help.  
Draw out also the spear, and stop the way against  
them that persecute me: say unto my soul, I am  
thy salvation.

The minister, after finishing the reading of the Psalm, forsaking all accustomed forms of supplications broke forth in an extemporaneous prayer. John Adams wrote these words in his diary that day: "The collect for the day, the 7th

51 Adams, Charles, The Works of John Adams, II, p. 369.  
(In a private letter to his wife, dated September 16, 1774).  
52 Bancroft, History of the United States, VII, p. 131.  
53 Psalm 35.

of the month, was most admirably adapted, though this was accidental, or rather providential. A prayer which he gave us of his own composition was as pertinent, as affectionate, as sublime, as devout, as I ever heard offered up to Heaven. He filled every bosom present." On the same day he wrote to his wife that "it seemed as if Heaven had ordained that Psalm to be read on that morning."<sup>54</sup> It is not strange that this scene in which the first prayer was made in Congress has become a historic picture. This practice of daily prayers continued during the meetings of the Congress. When Benjamin Franklin urged that there should be a time set apart each day for prayer during the Constitutional Convention of 1787, he pointed out that "in the beginning of the contest with Britain, when we were sensible of danger, we had daily prayers in this room for divine protection."<sup>55</sup>

Another national acknowledgment of God was made by Congress when May 17, 1776 was appointed as a day to be kept as "a day of humiliation, fasting, and prayer,"<sup>56</sup> on which the people might confess their sin and "by a sincere repentance and amendment of life, appease God's righteous displeasure, and through the merits and mediation of Jesus Christ, obtain his pardon and forgiveness."<sup>57</sup> Six weeks later on July 2, 1776, a resolution was passed declaring the United Colonies to be free and independent states and

54 Adams, Charles, Works of John Adams, II, pp. 368-369.

55 Franklin, The Works of Franklin, V, p. 154.

56 Morris, Christian Life and Character of the Civil Institutions of the United States, p. 529.

57 Ibid., p. 529.

dissolving their political connection with Great Britain. On July 4, 1776, Congress adopted the Declaration of Independence. The Declaration closes with this further acknowledgment: "And for the support of this Declaration, with a firm reliance on the Protection of DIVINE PROVIDENCE, we mutually pledge to each other our Lives and Fortunes, and our sacred Honor."<sup>58</sup>

In the Articles of Confederation, which were adopted by the Continental Congress on July 9, 1778, an acknowledgment of the Christian religion was made. At the end of the document there is the following statement: "And whereas it hath pleased the Great Governor of the world to incline the hearts of the Legislatures we respectively represent in Congress, to approve of, and to authorize us to ratify the said articles of confederation and perpetual Union...."<sup>59</sup>

The Congress of the Confederated States made many endeavors to keep religion before the people of the country. The Journals of Congress show the high appreciation of the members of Congress for the morality of the Bible as a necessary qualification for the discharge of public duties. On October 12, 1778, this resolution was passed: "Whereas, True religion and good morals are the only solid foundations of public liberty and happiness.

"Resolved, That it be, and it hereby is, earnestly recommended to the several States to take the most effect-

58 Poore, Federal and State Constitutions and Colonial Charters, Part 1, p. 5.

59 Ibid., Part I, p. 11.

ual measures for the encouragement thereof, and for the suppressing of theatrical entertainments, horse racing, gaming, and such other diversions as are productive of idleness, dissipation, and a general depravity of principles and manners.

"Resolved, That all officers in the army of the United States be, and hereby are, strictly enjoined to see that the good and wholesome rules provided for the discountenancing of profaneness and vice, and the preservation of morals among the soldiers, are duly and punctually observed."<sup>60</sup>

In closing the discussion of these early national acknowledgments, we shall cite several excerpts from the inaugural addresses and annual messages of the earliest presidents of the United States.

In his first message to Congress Washington ascribed the nation's blessings to "a gracious Providence."<sup>61</sup> In another message to Congress he said: "I humbly implore that Being, on whose will the fate of nations depends, to crown with success our mutual endeavors for the general happiness."<sup>62</sup> In the last annual address which he made to Congress, he said: "I find ample reason for a renewed expression of that gratitude to the Ruler of the Universe, which a continued series of prosperity has so often and so justly called forth."<sup>63</sup> In closing the address, he

60 Morris, *Christian Life and Character of the Civil Institutions of the United States*, p. 220.

61 Sparks, *Writings of George Washington*, XII, p. 8.

62 Ibid., XII, p. 36.

63 Ibid., XII, p. 65.



asked for "fervent supplications to the Supreme Ruler of the Universe and Sovereign Arbiter of Nations, that His providential care may still be extended to the United States, that the virtue and happiness of the people may be preserved; and that the government, which they have instituted for the protection of their liberties, may be perpetual."<sup>64</sup> In his immortal Farewell Address, which was quoted in an earlier chapter, Washington used the following words to indicate his feelings in respect to the necessity of Christian morals in the life of the nation: "Of all the dispositions and habits, which lead to political prosperity, Religion and Morality are indispensable supports. In vain would that man claim the tribute of Patriotism, who should labor to subvert these great pillars of human happiness, these firmest props of the duties of Men and Citizens. The mere Politician, equally with the pious man, ought to respect and to cherish them. A volume could not trace all their connexions with private and public felicity. Let it simply be asked, Where is the security for property, for reputation, for life, if the sense or religious obligation desert the oaths, which are the instruments of investigation in Courts of Justice? And let us with caution indulge the supposition, that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect that national morality can prevail in exclusion

64 Ibid., XII, p. 74.

of religious principle."<sup>65</sup>

The language used by the second president of the United States, John Adams, is similar to that used by Washington. His Inaugural Address closes with these words: "And may that Being, who is supreme over all, the patron of order, the fountain of justice, and the protector, in all ages of the world, of virtuous liberty continue his blessing upon this nation and its government, and give it all possible success and duration, consistent with the ends of his providence."<sup>66</sup> On November 22, 1800, President Adams in his fourth Annual Message to Congress, which was assembled for the first time in Washington in the newly finished Capital of the American nation, says: "It would be unbecoming the representatives of this nation to assemble, for the first time, in this solemn temple, without looking up to the Supreme Ruler of the universe, and imploring his blessing.

"May this territory be the residence of virtue and happiness! In this city may that piety and virtue, that wisdom and magnanimity, that constancy and self-government, which adorned the great character whose name it bears, be forever held in veneration! Here, and throughout our country, may simple manners, pure morals, and true religion, flourish forever!"<sup>67</sup>

The illustrations cited are sufficient to show beyond any doubt that our national Government at its origin was

65 Ibid., XII, p.227.

66 Adams, Charles, The Works of John Adams, IX, p. 111.

67 Ibid., IX, pp. 143-144.

imbued with Christianity. In spite of the fact that the Federal Constitution omitted all acknowledgment of God and the Christian religion, the official documents show that Congress and the Presidents of the United States, as well as the legislatures and officers of the colonial governments, based their political actions on the acknowledged principles of Christianity and "brought the national government itself into close relations, not with any established church,.... but with the broad, undenominational, fundamental truths of the Christian religion."<sup>68</sup>

## V

## CHRISTIANITY AND THE COMMON LAW

The fifth group of documents that furnishes a historical basis for our national Christianity is the decisions of the courts. In spite of the silence of the Constitution of the United States of America concerning religious acknowledgments, these Christian principles have been recognized by the courts of the Nation. It would require too much space to give in full the decisions handed down by the courts. Thus, we shall give a short account of several cases.

In August 1811, the Supreme Court of New York handed down its decision in the case, The People versus Ruggles.<sup>69</sup> Briefly, these are the facts. On September 2, 1810, at Salem, Ruggles did "wickedly, maliciously and blasphemously,

<sup>68</sup> McAllister, Christian Civil Government, p. 80.

<sup>69</sup> Johnson, Reports of Cases in New York State, VIII, pp. 290-298.

utter, and with a loud voice publish, in the presence and hearing of divers good and christian people, of and concerning the christian religion, and of and concerning Jesus Christ, the false, scandalous, malicious, wicked and blasphemous words following, to wit, 'Jesus Christ was a bastard, and his mother must be a whore', in contempt of the christian religion, and the laws of this state, to the evil and pernicious example of all others."<sup>70</sup>

Wendell, the attorney for Ruggles, argued that Christianity had no place in the common law of New York. He pointed out that there were no statutes concerning religion except certain laws relative to the Sabbath and ones relative to the suppression of immorality. The attorney contended, that, when Ruggles spoke, he was attacking Jesus Christ only; he was not attacking religion in general.<sup>71</sup>

In answer to this argument Gold, the attorney for the people, said that "while the constitution of the state has saved the rights of conscience, and allowed a free and fair discussion of all points of controversy among religious sects, it has left the principle ingrafted on the body of our common law, that christianity is part of the laws of the state, untouched and unimpaired."<sup>72</sup>

In the final decision of the Court written by Kent, the Chief Justice of the Supreme Court of New York, these statements are significant: "We are a Christian people,

70 Ibid., p. 291.

71 Ibid., p. 292.

72 Ibid., p. 292.

and the morality of the country is deeply ingrafted upon Christianity,"<sup>73</sup> and "Christianity, in its enlarged sense, as a religion revealed and taught in the Bible, is not unknown to our law."<sup>74</sup> The rest of the Court including Thompson, Spencer, Van Ness, and Yates unanimously concurred with the Chief Justice, and Ruggles paid a fine of five hundred dollars.<sup>75</sup> In this decision a Court that had for its Chief Justice one of the most distinguished judges of the time recognized the Christian principles of the men and women who first laid the foundations of this Nation.

The Supreme Court of Pennsylvania in the case of Updegraph versus the Commonwealth handed down a decision similar to that of the Supreme Court of New York.<sup>76</sup> Updegraph was charged with "contriving and intending to scandalize, and bring into disrepute, and vilify the Christian religion and the scriptures of truth."<sup>77</sup> The charge reads: "In the presence and hearing of several persons, then and there being, did unlawfully, wickedly and premeditatively, despitefully and blasphemously say, among other things, in substance, as follows: 'That the Holy Scriptures were a mere fable: that they were a contradiction, and that although they contained a number of good things, yet they contained a great many lies.'" <sup>78</sup> The

73 Ibid., p. 295.

74 Ibid., p. 297.

75 Ibid., p. 298.

76 Sergeant and Rawle, Reports of Cases in Pennsylvania, XI, pp. 394-411.

77 Ibid., p. 394.

78 Ibid., p. 394.

writ of error was taken out expressly with a view to decide the question whether Christianity was part of the law of the land. In view of the fact that this question was distinctly understood to be raised, the Court discussed the point fully. Duncan, the Justice who wrote the decision, stated first of all the assertion which is made often that Christianity never was received as part of the common law of this Christian land. He said in part: "The bold ground is taken, though it has often been exploded, and nothing but what is trite can be said upon it--it is a barren soil, upon which no flower ever blossomed--the assertion is once more made, that Christianity never was received as part of the common law of this Christian land; and it is added, that if it were, it was virtually repealed by the constitution of the United States, and of this state, as inconsistent with the liberty of the people, the freedom of religious worship, and hostile to the genius and spirit of our government."<sup>79</sup> "If the argument be worth anything," the Justice continued, "all the laws which have Christianity for their object --all would be carried away at one full swoop--the act against cursing and swearing, and breach of the Lord's day; the act forbidding incestuous marriages, perjury by taking a false oath upon the book, fornication and adultery--for all these are founded on Christianity--for all these are restraints upon civil liberty..... Christianity, general Christianity, is and always has been

<sup>79</sup> Ibid., p. 399

a part of the common law of Pennsylvania;....not Christianity with an established church, and tithes and spiritual courts, but Christianity with liberty of conscience to all men."<sup>80</sup> Here, again Christian principles were recognized as part of the law of the land.

On February 29, 1892, the United States Supreme Court handed down its famous decision in the case of The Holy Trinity Church versus The United States.<sup>81</sup> This church entered into a contract with the Reverend E. Walpole Warren, a citizen of England, by which he was to remove to the city of New York and to enter into her service as rector and pastor; and in pursuance of such contract, Warren did so remove and enter upon such service. It was claimed by the United States that this contract on the part of the plaintiff in error was forbidden by the act of February 26, 1885, 23 Stat. 332, C. 164, and an action was commenced to recover the penalty prescribed by that act. The Circuit Court held that the contract was within the prohibition of the statute and rendered judgment accordingly. The case was carried to the Supreme Court of the United States; the opinion of the Circuit Court was reversed with Justice Brewer delivering the opinion of the Court. It was held that the title of the act, the evil which was intended to be remedied, the circumstances surrounding the appeal to Congress urging the passage of the act, the reports of the committee of

<sup>80</sup> Ibid., pp. 399-400.

<sup>81</sup> Davis, Reports of Cases in the United States Supreme Court, vol, 143, pp. 457-472.

each house, all concur in affirming that the intent of Congress was simply to stay the influx of cheap, unskilled labor.<sup>82</sup> The argument of the Court then proceeded. Brewer, the Justice who wrote the report, said: "But beyond all these matters no purpose of action against religion can be imputed to any legislation, state or national, because this is a religious people. This is historically true."<sup>83</sup> The Justice reviewed the history of the Nation setting forth her national Christianity. He pointed out that the commission to Christopher Columbus from Ferdinand and Isabella contained a desire that by God's assistance some of the continents and islands in the ocean might be discovered. The colonial grant made to Sir Walter Raleigh in 1584 was cited to show that he was to "enact statutes for the government of the proposed colony provided that they be not against the true Christian faith."<sup>84</sup> Charters granted to Virginia in 1606, 1609, and 1611 were set forth with parts of them quoted. Brewer stated that the Mayflower Compact, the provisional government instituted in Connecticut in 1638-1639, the Charter granted to William Penn in 1701, and the Declaration of Independence all contained sentences and phrases in harmony with the Christian religion.

Then, the Justice reviewed the constitutions of the states. Concerning them he said: "If we examine the consti-

82 Ibid., p. 457. The act of February 26, 1885 was "to prohibit the importation and migration of foreigners and aliens under contract or agreement to perform labor in the United States, etc."

83 Ibid., p. 465.

84 Ibid., p. 466.



tutions of the various States we find in them a constant recognition of religious obligations."<sup>85</sup> He quoted the preamble to the Constitution of Illinois as it was in 1870: "We, the people of the State of Illinois, grateful to Almighty God for the civil, political and religious liberty which he hath so long permitted us to enjoy, and looking to Him for a blessing upon our endeavors to secure and transmit the same unimpaired to succeeding generations, etc."<sup>86</sup> In reviewing other state constitutions, such as Indiana, Maryland, Massachusetts, Mississippi, and Delaware, he stressed the fact that there "is no dissonance in these declarations. There is a universal language pervading them all, having one meaning; they affirm and reaffirm that this is a religious nation. These are not individual sayings, declarations of private persons; they are organic utterances, they speak the voice of the entire people."<sup>87</sup>

Following the citations of these documents, the Justice discussed a number of cases that had been before the courts of the states and of the Nation. He strengthened his argument by quotations from these decisions, for each one specifically stated that the people of this country professed the general doctrines of Christianity.

Last of all, Justice Brewer gave a view of American life. He pointed out that its laws, its business, its

85 Ibid., p. 468.

86 Ibid., p. 468.

87 Ibid., p. 470.

customs, and its society recognize the same truth. "These, and many other matters which might be noticed," said the Justice, "add a volume of unofficial declarations to the mass of organic utterances that this is a Christian nation. In the face of all these, shall it be believed that a Congress of the United States intended to make it a misdemeanor for a church of this country to contract for the services of a Christian minister residing in another nation?"<sup>88</sup>

The closing paragraph is quoted in full: "Suppose in the Congress that passes this act some member had offered a bill which in terms declared that, if any Roman Catholic church in this country should contract with Cardinal Manning to come to this country and enter into its service as pastor and priest; or any Episcopal church should enter into a like contract with Cannon Farrar, or any Baptist church should make similar arrangements with Rev. Mr. Spurgeon; any Jewish synagogue with some eminent Rabbi, such contract should be adjudged unlawful and void, and the church making it be subject to prosecution and punishment, can it be believed that it would have received a minute of approving thought or a single vote? Yet it is contended that such was, in effect, the meaning of this statute. The construction invoked cannot be accepted as correct. It is a case where there was presented a definite evil, in view of which the

<sup>88</sup> Ibid., p. 471.

legislature used general terms with the purpose of reaching all phases of that evil, and therefore, unexpectedly, it is developed that the general language thus employed is broad enough to reach cases and acts which the whole history and life of the country affirm could not have been intentionally legislated against. It is the duty of the courts, under these circumstances, to say that, however broad the language of the statute may be, the act, although within the letter, is not within the intention of the legislature, and therefore cannot be within the statute. The judgment will be reversed, and the case remanded for further proceedings in accordance with this opinion."<sup>89</sup>

This deliverance by the highest judicial authority of the Nation is sufficient to require notice here. It is an overwhelming argument for our national religion and shows that our unwritten constitution is definitely Christian. The statements made by Justice Brewer could not have been said more emphatically. Thousands of others in his day as well as himself knew and believed that the whole background of the Nation was Christian. Notwithstanding this fact, when we turn to the written Constitution of the Nation, we find no reference to the sovereignty of God, to Jesus Christ as the King of the Nation, or to His law.

89 Ibid., p. 472.

The Nation speaks directly in her fundamental law, the written Constitution of the United States, in which it proclaims her own character. And yet, in that authoritative instrument there is no acknowledgment of Christ. In other words, in that confession of her political and moral character there is no claim of Christianity.

The decision of the Court was correct, for the purpose of the Court was to determine whether or not making a contract with a Christian minister of a foreign country to come to this country and enter into the service of a Christian congregation as pastor is a violation of the law of Congress enacted to prohibit the importation of cheap labor. The trial did not prove and was not intended to prove that this Nation is consistently Christian or that she has a Christian government. Its purpose was to show that a certain law was not anti-Christian.

It is, indeed, a sad condition of affairs when an eminent Justice can quote without reserve from the documents of the Nation, the unwritten constitution, and yet cannot find help from the fundamental document of the land, the written Constitution. These Constitutions, the unwritten and the written one, are out of harmony. It is the purpose of the Reformed Presbyterian Church of North America to labor to bring them into harmony by a Christian amendment.

It has been shown in the decisions reviewed in this section that there is a historical basis for our national Christianity, and that in spite of the silence of the

Constitution of the United States concerning religious acknowledgments, these Christian principles have been recognized by the courts of the Nation.

## VI

### RECENT ACKNOWLEDGMENTS OF OUR NATIONAL CHRISTIANITY

There may be persons, perhaps, who may think that the acts and documents cited already are of two remote a date to be longer in force. To sever the past from the present is impossible, for a nation's life is a growth rooted in the past. What we have been determines, for the most part, what we are now and what we shall become in the future. Let us turn, then, to documentary material of a more recent time.

During the sessions of the thirty-second and thirty-third Congress an attempt was made to abolish the office of chaplain for the Army and for the Navy as well as for the Senate and the House of Representatives. In face of strong opposition the following resolution was offered by the Honorable Mr. Dodwell of Alabama and was adopted by the House of Representatives:

"Whereas, The people of the United States, from their earliest history to the present time, have been led by the hand of a kind Providence, and are indebted for the countless blessings of the past and present, and dependent for continued prosperity in the future upon Almighty God; and whereas, the great vital and conservative element in our system is the belief of our people in the pure doc-

trines and divine truths of the Gospel of Jesus Christ, it eminently becomes the Representatives of a people so highly favored to acknowledge in the most public manner their reverence for God; therefore,

"1. Resolved, That the daily sessions of this body be opened with prayer.

"2. Resolved, That the ministers of the Gospel in this city are hereby requested to attend, and alternately perform this solemn duty."<sup>90</sup>

A petition opposing this resolution was adopted and it was referred later to a Committee on the Judiciary for approval. This Committee reported against the adoption of the petition. The resolution was adopted on March 27, 1853, and the adoption of this report became an official action of our national House of Representatives. The early part of this report refers to the abandonment of the union of Church and State, approving the separation of these institutions. Further on in the report it reads: "Down to the Revolution, every colony did sustain religion in some form. It was deemed peculiarly proper that the religion of liberty should be upheld by a free people. Had the people, during the Revolution, had a suspicion of any attempt to war against Christianity, that Revolution would have been strangled in its cradle. At the time of the adoption of the Constitution and the amendments, the universal sentiment was that Christianity should be encouraged--

90 Johnson, Chaplains of the General Government, p. 35.

not any one sect. Any attempt to level or discard all religion would have been viewed with universal indignation. The object was not to substitute Judaism, or Mohammedanism, or infidelity, but to prevent rivalry among sects to the exclusion of others."<sup>91</sup>

Another important passage in this report is worthy of note: "Your Committee concede that the ecclesiastical and civil powers have been, and should continue to be, entirely divorced from each other. But we beg leave to secure ourselves from the interpretation of asserting that religion is not needed to the safety of civil society. It must be considered as the foundation on which the whole structure rests. Laws will not have permanence or power without the sanction of religious sentiment--without a firm belief that there is a Power above us that will reward our virtues and punish our sins. In this age there can be no substitute for Christianity. That, in its general principles, is the great conservative element on which we must rely for the purity and the permanence of free institutions. That was the religion of the founders of the republic, and they expected it to remain the religion of their descendants. There is a great and very prevalent error on this subject in the opinion that those who organized this government did not legislate on religion. They did legislate on it by making it free to all, 'to the Jew and the Greek, to the learned and unlearned.' The error has risen from the belief that there is no legislation un-

<sup>91</sup> Ibid., p. 14.

less in permissive or restrictive enactments. But making a thing free is as truly a part of legislation as confining it by limitations; and what the government has made free, it is bound to keep free."<sup>92</sup>

During the dark days of the Civil War there were many acknowledgments of God by the Congress of the United States. The most noteworthy recognition of Him was exemplified by the action of the Senate on March 2, 1863 when a resolution was passed requesting the President to set aside a day for national prayer and humiliation. This resolution, which was referred to in the chapter on Scriptural Teaching, sets forth the very principles that underlie the position of the Reformed Presbyterian Church of North America. The resolution is as follows:

"Resolved, That, devoutly recognizing the supreme authority and just government of Almighty God in all the affairs of men and of nations, and sincerely believing that no people, however great in numbers and resources, or however strong in the justice of their cause, can prosper without His favor, and at the same time deploring the national offences which have provoked His righteous judgment, yet encouraged, in this day of trouble, by the assurances of His Word, to seek Him for succor according to His appointed way, through Jesus Christ, the Senate of the United States do hereby request the President of the united States, by his proclamation, to designate and set apart a day for national prayer and humiliation, request-

<sup>92</sup> Ibid., p. 17.



ing all the people of the land to suspend their secular pursuits, and unite in keeping the day in solemn communion with the Lord of Hosts, supplicating him to enlighten the councils and direct the policy of the rulers of the nation, and to support all our soldiers, sailors, and marines, and the whole people, in the firm discharge of duty, until the existing rebellion shall be overthrown and the blessings of peace restored to our bleeding country."<sup>93</sup>

Abraham Lincoln promptly issued his proclamation, which was as remarkable as was the request of the Senate. He appointed April 30, 1863, as a day set apart for national prayer and humiliation. In the proclamation he acknowledged "the duty of nations, as well as of men, to own their dependence on the overruling power of God, to confess their sins and transgressions in humble sorrow, yet with assured hope that genuine repentance will lead to mercy and pardon."<sup>94</sup> He likewise recognized "the sublime truth announced in the Holy Scriptures, and proven by all history, that those nations only are blessed whose God is the Lord."<sup>95</sup> In acknowledging what God had done for the Nation in the past, he says: "We have been the recipients of the choicest bounties of Heaven. We have been preserved, these many years, in peace and prosperity. We have grown in numbers, wealth and power as no other nation has ever grown. But we have forgotten God. We have forgotten the gracious hand which preserved us in

93 Morris, *Christian Life and Character of the Civil Institutions of the United States*, pp. 557-558.

94 Lincoln, *Complete Works*, II, p. 319.

95 Ibid., p. 319.

peace, and multiplied and enriched and strengthened us; and we have vainly imagined, in the deceitfulness of our hearts, that all these blessings were produced by some superior wisdom and virtue of our own. Intoxicated with unbroken success, we have become too self-sufficient to feel the necessity of redeeming and preserving grace, too proud to pray to the God that made us!

"It behooves us, then, to humble ourselves before the offended Power, to confess our national sins, and to pray for clemency and forgiveness."<sup>96</sup>

This request of the Senate and this response to it on the part of the President of the United States contained the very principles of political and national life held by the Reformed Presbyterian Church of North America. These documents recognized that Almighty God is the Supreme Ruler of nations; that nations are bound to acknowledge His authority; that God and His Son, Jesus Christ, is the appointed way of acceptance for nations as well as for individuals; and that God's Word, the Holy Scriptures, is given for national encouragement and guidance.

The citizens of our Nation not only felt the need for divine protection during the Revolutionary War and during the Civil War, but again, at the beginning of the World War, they made a petition through Congress requesting Woodrow Wilson to call a day of prayer. Following the example of Lincoln, Woodrow Wilson issued his famous procla-

96 Ibid., p. 319.

mation. This proclamation begins with a statement of the request made by Congress that he "set apart by official proclamation a day upon which our people should be called upon to offer concerted prayer to Almighty God for His divine aid in the success of our arms."<sup>97</sup> The second part of the proclamation sets forth briefly his belief concerning the relationship between nations and the Almighty: "And, whereas, it behooves a great free people nurtured as we have been in the eternal principles of justice and of right, a nation which has sought from the earliest days of its existence to be obedient to the divine teachings which have inspired it in the exercise of its liberties, to turn always to the Supreme Master and cast themselves in faith at His feet, praying for His aid and succour in every hour of trial, to the end that the great aims to which our fathers dedicated our power as a people, may not perish among men, but be always assisted and defended with fresh ardor and devotion and, through the diving blessings, set at last upon enduring foundations for the benefit of all the free peoples of the earth."<sup>98</sup>

Likewise, many of the Thanksgiving Proclamations issued by the Presidents of the United States have acknowledged God as the Supreme Master.

The one issued by Grover Cleveland on November 4, 1896, is most explicit in its acknowledgment of God.

97 Statutes at Large of the United States, Vol. 40, Part 2, p. 1709.

98 Ibid., 1709.

"The people of the United States," it reads, "should never be unmindful of the gratitude they owe to the God of nations for His watchful care, which has shielded them from dire disaster and pointed out to them the way of peace and happiness. Nor should they ever refuse to acknowledge with contrite hearts, their proneness to turn away from God's teachings, and to follow with sinful pride after their own devices."<sup>99</sup> Then, designating and setting apart Thursday, the twenty-sixth day of November, to be kept and observed as a day of thanksgiving and prayer throughout the land, he follows with this direct acknowledgment: "On that day let all our people forego their usual work and occupation, and, assembled in their accustomed places of worship, let them with one accord render thanks to the Ruler of the Universe for our preservation as a nation and our deliverance from every threatened danger, for the peace that has dwelt within our boundaries, for our defence against disease and pestilence during the year that has passed, for the plenteous rewards that have followed the labors of our husbandmen, and for all the other blessings that have been vouchsafed to us.

"And let us, through the mediation of Him who has taught us how to pray, implore the forgiveness of our sins and a continuation of heavenly favor."<sup>100</sup>

In the Thanksgiving Proclamation of 1926, Calvin

99 Richardson, A Compilation of the Messages and Papers of the Presidents, 1789-1897, IX, p. 695.

100 Ibid., pp. 695-696.

Coolidge says: "As a nation and as individuals, we have passed another twelve months in the favor of the Almighty.... Our moral and spiritual life has kept measure with our material prosperity. We are not unmindful of the gratitude we owe to God for His watchful guidance which has pointed out to us the ways of peace and happiness; we should not fail in our acknowledgment of His divine favor which has bestowed upon us so many blessings."<sup>101</sup> Then, setting apart Thursday, the twenty-fifth day of November, as a day of general thanksgiving and prayer, he recommended "that on that day the people shall cease from their daily work, and in their homes or in their accustomed places of worship, devoutly give thanks to the Almighty for the many and great blessings they have received, and seek His guidance that through good deeds and brotherly love they may deserve a continuance of His favor."<sup>102</sup>

Franklin D. Roosevelt, now President of the United States, in the Thanksgiving Proclamation issued by him in 1934 was most explicit in his recognition of the Almighty. It reads: "Thus to set aside in the Autumn of each year a day on which to give thanks to Almighty God for the blessings of life is a wise and reverent custom, long cherished by our people. It is fitting that we should again observe this custom.....With gratitude in our hearts for what has already been achieved, may we, with the help

101 Statutes at Large of the United States, Vol. 44, Part 3, p. 2629.

102 Ibid., pp. 2629-2630.

of God, dedicate ourselves anew to work for the betterment of mankind."<sup>103</sup>

In the Thanksgiving Proclamation issued November 9, 1937, President Roosevelt said: "It is in keeping with all our traditions that we, even as our fathers in olden days, give humble and hearty thanks for the bounty and the goodness of Divine Providence....Let us, therefore, on the day appointed forego our usual occupations and, in our accustomed places of worship, each in his own way, humbly acknowledge the mercy of God from whom comes every good and perfect gift."<sup>104</sup>

Thus, it can be seen readily that our national life throughout its entire history has rested upon Christianity. Whenever the effort has been made to set aside the great Christian principles upon which our Nation was founded, men have risen to uphold her unwritten constitution. Repeatedly the Christian ideals, which have been taught throughout our Nation during all the years of her existence, have risen gloriously to the surface in the hour of need. In view of the fact that the United States was founded by Christian men and women, that her long history has been couched in Christianity, that her officials and especially her Presidents have been, for the most part, Christian men, that her documents --official and unofficial-- have been in harmony with Christianity and interspersed with a recognition of the Almighty and His guiding hand, it is a sad and deploring fact to find the written Consti-

103 Ibid., Vol. 49, Part 2, pp. 3425-3426.

104 Ibid., Vol. 51, pp. 401-402.

tution of such a Nation without the rightful recognition of the Supreme Ruler of the Universe. It is the purpose and will of the Reformed Presbyterian Church of North America to labor steadfastly and staunchly until in some future time our written Constitution shall be brought into harmony with the unwritten one.

PART II

THE DOCTRINE OF THE HEADSHIP OF CHRIST VINDICATED



## CHAPTER IV

### REFUSAL TO EXERCISE THE FRANCHISE

#### I. Her Testimony

#### II. Her History

##### A. The Controversy of 1833

##### B. The Controversy of 1891

#### III. The Reasons for Refusal

## CHAPTER IV

### REFUSAL TO EXERCISE THE FRANCHISE

In the foregoing pages of this work we have set forth the doctrine of the Kingship of the Lord Jesus Christ as it is taught by the Reformed Presbyterian Church of North America. In presenting this doctrine it was not possible to do so without setting forth to some extent the Church's justification for her position. Part of that which has been written, however, was meant to vindicate her position on the Headship of Christ in relation to civil government. The purpose of this chapter is to show the practical application of this doctrine in the history of the Church.

#### I

#### HER TESTIMONY

The relationship of the Reformed Presbyterian Church to the Constitution and Government of the United States is one of loyalty permeated through and through with the spirit of service and true submission, yet not of that blind type of loyalty which would prevent it from registering its dissent as touching any and every moral and religious defect in the body politic. No member of the Reformed Presbyterian Church, worthy of the name, would be willing to say: "Our country, right or wrong". For example, our Federal Government contains no recognition of divine authority in the fundamental law of the land. This omission is held by our Church to be a moral defect; a defect which, if not remedied, will

eventually prove fatal to our civic existence. Hence, we decline to avail ourselves of the political privilege of the franchise, for by the ballot men are chosen to office and on being elected are required by oath to "preserve" the present Constitution as it stands; that is, to be true to it as it is as long as it remains so, which means, of course, to support it in its present unchristian form. This allegiance, we hold, no Christian can do consistently, and so in this respect we dissent and do what we can to register our dissent by refraining from the use of the ballot.

Thus the ground on which the Church declines to incorporate by voluntary acts with the civil government is the immorality of the Constitution. In the Testimony of the Church this position is set forth as follows: "God, the supreme Governor, is the fountain of all power and authority, and civil magistrates are his deputies. In the administration of government, obedience is due to their lawful commands for conscience' sake; but no power, which deprives the subject of civil liberty--which wantonly squanders his property, and sports with his life--or which authorizes false religion (however it may exist, according to divine Providence), is approved of, or sanctioned by God, or ought to be esteemed or supported by man as a moral institution."<sup>1</sup> Again, in the chapter on The Right of Dissent from a Constitution of Civil Government the Testimony has this further instruction: "It is the duty of Christians, for the sake of peace and

1. Reformation Principles, Part II, Chapter XXIX, Section 3, p. 237.

order, and in humble resignation to God's good providence, to conform to the common regulations of society in things lawful; but to profess allegiance to no consitiution of government which is in hostility to the kingdom of Christ, the Head of the Church, and the Prince of the kings of the earth."<sup>2</sup> The Church likewise condemns the following statements as "errors": (1) "That the Scripture revelation is not the rule by which Christians should direct their civil conduct;"<sup>3</sup> (2) "That a constitution of government which deprives unoffending men of liberty and property is a moral institution, to be recognized as God's ordinance;"<sup>4</sup> and (3) "That it is lawful to profess or swear allegiance to an immoral consitiution of civil government."<sup>5</sup> It is thus that the Testimony becomes a bond of union to the members of the Church and a guide to direct them in regard to their civil relations in the United States.

The authorized history of the Church in like manner demonstrates the sense in which her doctrinal principles on this subject have been understood and acted upon in the past, i.e., how they were understood by the fathers of the Church in the United States, and how the testimony was applied by those who wrote it and gave it their public sanction.

As early as 1806 the Reformed Presbytery began to take action. The first important achievement was the writing of

<sup>2</sup> Ibid., Chapter XXX, Section 2, p. 242.

<sup>3</sup> Ibid., Chapter XXIX, Error 4, p. 240.

<sup>4</sup> Ibid., Chapter XXIX, Error 9, p. 241.

<sup>5</sup> Ibid., Chapter XXX, Error 1, p. 244.

the Declaration and Testimony.<sup>6</sup> A draft of a testimony was presented first, and after careful consideration, it was unanimously adopted and referred to a committee for publication. The second important achievement of this Presbytery meeting was the passing of an important act which contained practical directions for the conduct of individual members of the Church. Said the Presbytery: "The Reformed Presbyterian Church approve of some of the leading features of the Constitution of Government in the United States. It is happily calculated to preserve the civil liberty of the inhabitants, and to protect their persons and their property. A definite Constitution upon the representative system, reduced to writing, and rendered the bond of union among all the members of the civil association, is a righteous measure, which should be adopted by every nation under heaven. Such a constitution must, however, be founded upon the principles of morality, and must in every article be moral, before it can be recognized by the conscientious Christian as an ordinance of God. Were every article which it contains, and every principle which it involves, perfectly just, except in a single instance, in which it was found to violate the law of God, Christians cannot consistently adopt it. When immorality and impiety are rendered essential to any system, the **whole** system must be rejected.

"Presbyterian Covenanters perceiving immorality interwoven with the general and the states' constitutions of

<sup>6</sup> Glasgow, History of the Reformed Presbyterian Church in America, p. 81.

government in America, have uniformly dissented from the civil establishments. Much as they loved liberty, they loved religion more. Anxious as they were for the good of the country, they were more anxious for the prosperity of Zion. Their opposition, however, has been the opposition of reason and piety. The weapons of their warfare are arguments and prayers."<sup>7</sup>

From the adoption of the Constitution in the year 1788 the members of the Reformed Presbyterian Church have maintained a constant testimony against these defects. The Testimony adopted at the historic meeting of 1806 is as final today as it was then. As in the former days the members of this Church continue to refuse "to serve in any office which implies an approbation of the constitution, or which is placed under the direction of an immoral law."<sup>8</sup> Her members still abstain "from giving their votes at elections for legislators or officers who must be qualified to act by an oath of allegiance to this immoral system."<sup>9</sup> Neither do they "swear allegiance to that government, in the constitution of which there is contained so much immorality. In all these instances their practice has been uniform."<sup>10</sup>

The above quotations are the official statements of the law of the Church in regard to this doctrine and are the historical evidence of the received meaning and appli-

7 Reformation Principles, Part I, pp. 119-120.

8 Ibid., p. 122.

9 Ibid., p. 122.

10 Ibid., p. 122.

cation of the teaching of the Church on the subject of civil relations. To repudiate the history in this connection is virtually to deny what the Reformed Presbytery judicatively declared to be truth, both as to the meaning of the law and its practice.

## II

### HER HISTORY

#### A. The Controversy of 1833

In the faithful application of this principle the Church enjoyed an undisturbed peace for a score of years, but with her growth in numbers there came laxity in principle and unfaithfulness in the application of the laws of the Church as to civil relations. Some members, especially in large cities, desired the privilege of the elective franchise. The sentiments of these individuals attracted but little notice for some time. As the minority became stronger, her leaders became bolder until the claim was made that the use of the elective franchise was consistent with the law of the Church. When this claim was made, a decided controversy arose; and the members of the Church began to array themselves on their respective sides. Thus it was that the antagonistic names, "Old-Light" and "New-Light", came into use.<sup>11</sup>

In 1832, several theories were proposed in vindication of the innovation on the testimony. Certain members believed

11 Glasgow, History of the Reformed Presbyterian Church in America, p. 91, 97.

that a government may be recognized, and that offices may be held under it irrespective of its morality.<sup>12</sup> Nehemiah and Daniel were frequently named as examples of godly men who held office under a pagan and immoral government. Members of the Church who understood and adhered to her principles were not troubled with such a patently illogical argument. Nehemiah, Daniel, and other leaders similarly circumstanced and called to act in the service of the kings of Babylon were not called upon to swear allegiance to the corrupt existing state of things either by oath or otherwise. The system was an unmixed despotism in which there was no constitution of government; the will of the reigning prince was law. In such a state of things commands lawful in themselves might be obeyed, and Daniel or any other man called to carry them into effect might be so employed without being involved in any of the immoralities of the system; for no acknowledgment of the government either by oath or implication was required. Furthermore, when unrighteous demands were made, any servant of the government stood free and unfettered to resist them. In fact, Daniel did so when the wicked decree was given "that whosoever shall ask a petition of any God or man for thirty days, save thee, O king, he shall be cast into the den of lions."<sup>13</sup>

The most prominent theory set forth by the minority was propounded by Samuel Brown Wylie, professor of Latin

12 Scott, Narrative of the Division of the Reformed Presbyterian Church, United States, 1833, p. 12.

13 Daniel 6:7.



and Greek in the University of Pennsylvania in Philadelphia.<sup>14</sup> At the meeting of the Eastern Subordinate Synod held in New York City, April 25, 1832, a paper, which was designed to be a pastoral letter to the churches, was read by Professor Wylie.<sup>15</sup> This letter to the churches contained high praises and commendations of the United States Government, in spite of the fact that the Government was the same as it had been when the same man had previously condemned it for its immoralities.<sup>16</sup>

The first part of the letter contained a congratulatory survey of the present state of society--improvements in arts, in science, and in all the means of individual and national prosperity. He likewise argued that men do not think always alike.<sup>17</sup> This part of the letter was adopted by the Synod.<sup>18</sup> The second part of the document lauded the Government of the United States in its theory and in its practice. It affirmed that the Constitution contained no odious features except that of slavery; and that even slavery could not be considered an objection to it, as everything had been done in the power of its framers to remove that defect. But professor Wylie overlooked the fact that the historical and documentary testimony of the Church had opposed the Constitution of the Nation, because it did not recognize God or His law. He

14 Glasgow, History of the Reformed Presbyterian Church in America, p. 741.

15 Ibid., p. 92.

16 Ibid., p. 92.

17 Original Draft of a Pastoral Letter, pp. 1-16.

18 Ibid., p. 3.

disregarded this fact utterly when he wrote that "the recognition of natural rights, the protection of person, property and religion, guaranteed by these institutions of the land, and the provision for self-regeneration contained in the instruments themselves, must command the respect and admiration of every sensible, unprejudiced man." "Indeed," he continued, "it is a matter of astonishment to find them so good. Give them credit for the good they contain. Compare them with the institutions of any other nation on earth, and you will soon perceive their incomparable superiority. The most obnoxious feature, indeed we may say, the only obnoxious one--the existence of slavery, is rapidly softening in its unsightly aspect."<sup>19</sup> The members of the Synod who opposed this part of the letter had been pleased with the guarantees incorporated in the Constitution. These good points were not disturbing them. On the other hand, these members contended that the exclusion of the Son of God, in our Government was obnoxious. They concluded that Professor Wylie was paving the way to destroy the foundation on which the Reformed Presbyterian Church was built, for if slavery were the "only obnoxious feature" in the Government, and that curse "softening in its unsightly aspect", members of the Church could enter into every phase of political life. The Synod rightly voted to expunge this portion of the letter.<sup>20</sup>

19 Ibid., p. 11.

20 Ibid., p. 3.

Contrary to the decision of the Synod and in insubordination to the highest judicatory of the Church, Professor Wylie together with a minority of the members of the Court made arrangements for publishing the whole document with explanatory notes. Within a few weeks they spread the insidious publication throughout the entire Church.

Something had to be done to stay the progress of the minority lest the whole Church should be disrupted. In view of this danger the Moderator of the Eastern Subordinate Synod on the requisition of two Presbyteries called a pro re nata meeting, which was held in New York City, November 25, 1832.<sup>21</sup> The Synod was regularly constituted by prayer, and the object of the meeting was sustained. Protests were presented by six members of the minority upon whose conduct the meeting was to act. The Clerk, John N. McLeod, who was a member of the minority, refused to produce the minutes of the Court. After three regular citations he was suspended for insubordination. The Court proceeded to examine the original draft of the pastoral letter, especially the paragraphs that had been expunged. After a long and prayerful discussion the Court libeled the signers of the original letter sent out by the minority. There were five charges made against these men: "1. Following divisive courses. 2. Contempt of the authority of Synod. 3. Error in Doctrine. 4. Abandonment of the Testimony of the Church. 5. Slandering Synod and its members."<sup>22</sup>

<sup>21</sup> Glasgow, History of the Reformed Presbyterian Church in America, p. 93.

<sup>22</sup> Ibid., p. 93.

Notwithstanding the acts of Synod these men continued to preach to their respective congregations and to teach their doctrines throughout the entire Church. Members who differed with them were excluded from church privileges without charge, citation, or trial.<sup>23</sup>

The excitement caused by Samuel Wylie's pastoral letter was increased tremendously by the simultaneous publication of the celebrated "Four Letters" on civil relations by Gilbert McMaster, the pastor of the Duaneburgh Reformed Presbyterian Church, New York.<sup>24</sup> These letters, a cunning attack against the principles and position of the Church, were most injurious. The first letter embraces the Origin, Character, and Duties of Civil Government.<sup>25</sup> Seven positions are set forth. Not all of these positions are out of harmony with the teachings of the Church. We shall present, now, the arguments of the writer of the "Four Letters" which were confusing and misleading. Let us consider, for a moment, his first argument dealing with the end of civil government. McMaster says: "Civil government is the ordinance of God, as the Creator and Governor of the world, for good to man, founded in the moral law of our social nature, the principles of which law are the standard of its actual constitution and administration."<sup>26</sup> "Good to man" is indeed an immediate end of government, but there is another purpose of government

23 Ibid., p. 94.

24 McMaster, The Moral Character of Civil Government, pp. 1-72.

25 Ibid., pp. 1-21.

26 Ibid., p. 5.

which is ultimate and more important--the Glory of God.

The Westminster Confession of Faith teaches that the Glory of God is the great purpose of civil government: "God, the supreme Lord and King of all the world, hath ordained civil magistrates to be under him over the people, for his own glory, and the publick good; and, to this end, hath armed them with the power of the sword, for the defence and encouragement of them that are good and for the punishment of evil-doers."<sup>27</sup>

The position set forth by McMaster in regard to the ultimate end of government is defective in that its purpose is made to rest in the good of the creature, while the glory of the Creator, the more important end, is entirely overlooked.

Nor is "the moral law of our social nature" the standard by which civil government is to be considered and administered. The law of nature is the only standard which the heathen have to guide them in the constitution and administration of civil government; it is therefore the only standard which they have to guide them in every duty and every obligation which they owe to God and to one another in the services of religion as well as in the duties of civil government. But, since the heathen do not have the light of revelation and must depend solely on the laws of nature, this is no reason why believers who can rely on the Word of God to guide them should refuse its advantages and be content with the guidance of mere natural principles. The revelation of God is intended to supply the deficiency of the light of nature and offers instruction for every relationship in life that is **infinitely**

<sup>27</sup> Macpherson, The Westminster Confession of Faith, Chapter 23, p. 135.

superior to the principles of our social nature. Paul wrote to the Romans: "For as many as have sinned without law shall also perish without law: and as many as have sinned in the law shall be judged by the law."<sup>28</sup> McMaster's position, therefore, was set forth as designed to include all that is necessary for the framing and administering of civil government, namely, the principles of nature. In other words, the writer set out to repudiate a principle of the Reformed Presbyterian Church in which a recognition of the King of kings in the written Constitution is essential.

The second letter is entitled The Moral Estimate of the Civil Institutions of the United States.<sup>29</sup> In this letter the writer contends that our institutions of Government are Christian and proceeds to set forth his argument by citing civil procedures conducted in the State of New York. He points out that God is acknowledged in the Constitution of the State of New York, that devout and conscientious Christians maintain communion with the Government in its official acts, that the Constitution declares against licentiousness, games of chance, slavery, and infidelity, that the Christian Sabbath is acknowledged in the code of public law, that ecclesiastical property is secured by special statutes, and that by solemn decisions of her Supreme Court the Christian religion is declared to be the religion of the State. McMaster's statements in this letter are true. The Constitution

28 Romans 2:12.

29 McMaster, The Moral Character of Civil Government, pp. 21-36.

of the State of New York in 1833 was a Christian document. However, such an argument does not prove that the Constitution of our Federal Government is Christian, since the constitution of one or even more than one State does not constitute the supreme law of the whole Nation.

The third letter is entitled The Character of the Federal Government.<sup>30</sup> In this document the writer discusses in full the sovereignty of a state. He argues that each state retained certain privileges and powers when it came into the Union. Therefore, he contends that states are sovereign and constitute the supreme law of the land. That is to say, since certain state constitutions are Christian, our Federal Government is therefore Christian. David Scott, who answered McMaster's "Four Letters" for Synod, admitted that a state government has sovereign power to a degree, but after all, a state government is only a part of our Federal Government, and it by no means constitutes the whole nation. He continued his argument by saying that states have delegated voluntarily to the Government of the Union many of the powers which constitute a national character. They have sovereignty only with respect to those residuary powers which they have not delegated. No statesman ever pretends to say that the states are so many nations. We never speak of the Nation of New York or of the Nation of Pennsylvania. If each state were considered as a proper national sovereignty, we would have a number of nations within a nation. Such an

<sup>30</sup> Ibid., pp. 36-50.

existence would be impossible.<sup>31</sup> No state ever was or could be coextensive with the Nation as Article VI of the United States Constitution so clearly enunciates when it says: "This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding."<sup>32</sup> Indeed, David Scott's reply is similar to Daniel Webster's well-known address on the Principles of the Constitution, which he made in the Senate of the United States in January of 1830. He said: "I do not admit, that, under the Constitution and in conformity with it, there is any mode in which a State government, as a member of the Union, can interfere and stop the progress of the general government, by force of her own laws, under any circumstances whatever..... If the government of the United States be the agent of the State governments, then they may control it, provided they can agree in the manner of controlling it; if it be the agent of the people, then the people alone can control it, restrain it, modify it, or reform it..... It is, Sir, the people's Constitution, the people's government, made for the people, made by the people, and answerable to the people. The people of the United States have declared that this Constitution shall be the supreme law. We must either admit

31 Scott, *Calm Examination of Dr. McMaster's Letters*, pp. 28-34.

32 See Appendix.V, Article VI, Clause 2, p. 321.



the proposition or dispute the authority. The States are, unquestionably, sovereign, so far as sovereignty is not affected by this supreme law. But the State legislatures, as political bodies, however sovereign, are yet not sovereign over the people..... We are all agents of the same supreme power, the people."<sup>33</sup>

The political views of McMaster are therefore incorrect, and his defense of them becomes untenable. The Constitution of the United States is supreme and is the instrument which should possess a religious character with subjection to the Messiah. McMaster admits that "the Federal Union presents but few features of God's ordinance of civil magistracy; and it is defective in provisions of the first necessity."<sup>34</sup> That some of the states do possess a religion character is no reason for a Christian to pledge himself by an oath of allegiance to the whole system; for when one takes the oath of allegiance, he swears to support the constitution of the state in which he lives as well as the Constitution of his national Government.

The fourth letter is entitled Objections Considered.<sup>35</sup> His objections are reduced to three general heads: the violation of the principle of fair representation, the establishment and support of slavery, and the irreligious character of the Government. The first objections are not

<sup>33</sup> Webster, The Works of Daniel Webster, III, pp. 321-322.

<sup>34</sup> McMaster, The Moral Character of Civil Government, p. 41.

<sup>35</sup> Ibid., pp. 51-72.

paramount in our discussion. The last one is of vital importance, for in discussing this objection, McMaster makes certain statements which are misleading and untrue. After endeavoring to show the religious character of the Constitution of the United States by referring to the oath taken by the President, to the First Amendment, to the employment of chaplains by the two Houses of Congress, and to the setting aside of fast days,<sup>36</sup> he asserts: "In this land, assuredly no church, of which we have heard, has ever made the rejection of our civil institutions a tessera of fitness for her fellowship."<sup>37</sup> In his first letter McMaster had already prepared the way for such an assertion in which he writes: "No christian could expose himself to censure before the well-ordered courts of the Church of God, for associating with his fellow-citizens of the state, under such institutions, though altogether silent in respect of principles and ordinances peculiar to the system of grace."<sup>38</sup> David Scott thought that this assertion was indeed strange coming from the pen of a minister of the Gospel. Surely he had read the portions of the Testimony on this subject;<sup>39</sup> certainly he had heard of such a church that "made the rejection of our civil institutions a tessera of fitness for her fellowship," since he was a minister of that Church which did make such a rejection a fitness for fellowship.

36 For a discussion of these features see pp. 244 ff.; 103 ff.; 153 ff.; and 156 ff.

37 McMaster, *The Moral Character of Civil Government*, p. 68.

38 Ibid., p. 19.

39 See pp. 167-168.

It scarcely can be imagined that one of his ability had never heard anything about the common law and practice of the Reformed Presbyterian Church of which he was a minister. Furthermore, McMaster must have known personally certain of the members of the Church who had been called before a court "for associating with his fellow-citizens, under such institutions."<sup>40</sup> Discipline in that day was far stricter in the Reformed Presbyterian Church, as it was in all churches, than it is today. This dogmatic assertion, which every intelligent member of the Reformed Presbyterian Church knew to be incorrect, seems to have been made to make an impression upon his readers. At the beginning of this chapter the position of the Church was pointed out by quotations from the Testimony and from the authorized history of the Church. These words stand out especially and, surely must have been known to McMaster: "Since the adoption of the constitution in the year 1788, the members of the Reformed Presbyterian Church have maintained a constant Testimony against these evils. They have refused to serve in any office which implies an approbation of the constitution, or which is placed under the direction of an immoral law. They have abstained from giving their votes at elections for legislators or officers who must be qualified to act by an oath of allegiance to this immoral system."<sup>41</sup> This passage is statutory proof that the members of the Church did not associate with

40 Scott, Calm Examination of Dr. McMaster's Letters, pp. 38-39.

41 Reformation Principles, Part I, p. 122.

their "fellow-citizens of the State, under such institutions." David Scott, a member of the Synod of 1833, pointed out that "sessions in many congregations have applied the discipline of the church to individuals, for associating with their fellow-citizens in the civil institutions of the United States."<sup>42</sup> This statement was available to McMaster, and it was not denied. Thus, the practice of the Church corresponded with her statutes. Therefore, not only statute law but common law proved the incorrectness of McMaster's writings. These letters, which were published by the writer and sent throughout the Church, did much to ripen the controversy.

During the winter months of 1833 the controversy became even more pronounced. The regular meeting of the Synod was held on the evening of April 9, 1833.<sup>43</sup> After the Moderator's sermon the Court was constituted by prayer. The suspended clerk, John N. McLeod, attempted to call the roll. The minority claimed that the pro re nata meeting of November 25, 1832 was illegal. This disorderly procedure was arrested by the adoption of a motion to appoint a clerk pro tem. When this point of order was settled, Samuel Wylie, the leader of the minority, called upon all who wished to sustain the suspended clerk to withdraw from the Synod. This method of contending for the rights of the suspended clerk was used in order to escape the application of discipline, for the

42 Scott, Calm Examination of Dr. McMaster's Letters, p. 40.

43 Glasgow, History of the Reformed Presbyterian Church in America, pp. 94-95.

minority knew that the regular Court would sustain the libels. Before the close of the meeting certain members of the minority withdrew and set up an independent Synod, which they called the Eastern Subordinate Synod.<sup>44</sup>

The Synod of the Reformed Presbyterian Church proceeded with its business agreeing that, though the members of the minority had left the Court, the parties implicated were not freed from the jurisdiction of the Synod. These persons were requested to appear to answer the charges against them. Three times this request was made with certification that, in case their appearance was not made, the Court would proceed with the trial of the libels as though the parties were present. When they did not appear, the Synod after patient deliberation resolved that the ministerial members libeled were found guilty by the Court:

"1, of divisive courses; 2, contempt of the authority of Synod; 3, error in doctrine; 4, abandonment of the testimony of the Church; 5, slandering Synod and its members" and are "suspended from the exercise of the holy ministry, and from the privileges of the Church."<sup>45</sup> Before the vote was taken on the resolution, prayer was offered by James H. Willson. In the case of the ruling elders associated with the ministerial members in the publication of the original copy of the Pastoral Letter, it was resolved that "their cases be referred to the inferior judicatories, to which they

44 Ibid., p. 95.

45 Scott, Narrative of the Division of 1833, p. 26.

shall belong at the close of our present sessions."<sup>46</sup> The five suspended ministers were notified of the action of the Synod.

The General Synod of the Reformed Presbyterian Church met again in Philadelphia, August 7, 1833.<sup>47</sup> The suspended ministers together with a few other ministers met at the same time and set up an independent Synod which they also named the Reformed Presbyterian Church. Since that day the two denominations have been known as the Old Light and the New Light; the Old Light adheres strenuously to the distinctive principles of the Church as they had been taught from the beginning, while the New Light abandoned the foremost principle of the Church in 1833.

David Scott in his Narrative of the Division of the Reformed Presbyterian Church in 1833 sums up the controversy in this way: "Thus ended the most painful conflict, in which the Reformed Presbyterian Church had ever been engaged, for the maintenance of her principles, on the continent of America--a conflict, however, which ended in the abandonment of much that is distinct in her testimony by a minority, respectable in numbers. And it is much to be lamented, that so many of her ministers and members should have now forsaken the testimony which for a time some of them had honorably maintained.

"It is gratifying to know that while many showed themselves unfaithful in the hour of trial, a large majority of

46 Ibid., p. 26.

47 Glasgow, History of the Reformed Presbyterian Church in America, p. 95.

the Church adhered to their covenant vows. But though this is matter of gratulation, it is not on this ground that we claim to be the Reformed Presbyterian Church; for, however pleasing it is to know that there is a majority on the side of truth, it is the truth itself which they hold and not their number, that gives them ecclesiastical standing, and vindicates them in the sight of God."<sup>48</sup>

Here, then, in the first real crisis of the Reformed Presbyterian Church in the United States she vindicated her position in respect to civil relations by upholding the principle of the Headship of Christ over the nations and by refusing to lower her standard. Lest the world might think that she had changed her original stand in regard to this important question, the Synod of 1833, meeting in Philadelphia, reaffirmed its attachment to the historic and true position of the Church in this country by the following resolution: "That as it has always been in the proceedings and history of the Reformed Presbyterian Church, both in the land of our forefathers and in this land, a great and leading object to bear an explicit and practical testimony to the truth respecting civil government as the ordinance of God, and the subjection of the nations to Messiah; so it is utterly inconsistent with our doctrinal standards and judicial acts for any member of this church to sit on juries, to hold office, or swear allegiance to the Constitution of the United States."<sup>49</sup>

<sup>48</sup> Scott, Narrative of the Division of 1833, p. 28.

<sup>49</sup> Glasgow, History of the Reformed Presbyterian Church in America, p. 104.

The testing time proved valuable, for the Church unhampered by dissension went forward with the admonition of the Apostle Paul: "Be ye stedfast, unmoveable, always abounding in the work of the Lord, forasmuch as ye know that your labour is not in vain in the Lord."<sup>50</sup>

#### B. The Controversy of 1891

The Reformed Presbyterian Church continued to discharge the duty for which she believed God had called her into the world for more than a half a century without a ripple of dissension on her peaceful waters. Not once in all these years did the ugly enemy of controversy concerning the Headship of Christ in respect to civil relations raise its head. William Glasgow was able to write these lines as late as 1888: "From that day to this<sup>51</sup> the Reformed Presbyterian Church has had little or no trouble in applying the principles of the Church, and the members feel that it is their duty to separate themselves from that civil institution which refuses to own Christ as its King, and His Word as its supreme law. If any pastors or sessions allow any members to violate the law of the Church in this respect, they deserve the same condemnation as those brethren who separated from us in 1833. If any such there be, the fact is unknown to the Church, and when discovered will be dealt with as an offence."<sup>52</sup> The peace in the Church was so widespread in 1888 that even her historian did not know of the storm

50 I Corinthians 15:58.

51 From 1833 to 1888.

52 Glasgow, History of the Reformed Presbyterian Church in America, p. 104.



that was to break three years later.

Notwithstanding the failure of outstanding leaders of the Church to recognize a desire within the Church to lower the standards of the principle of Christ's Headship over the nations, this aspiration was taking form slowly in the minds of a number of the ministers.

As early as 1884, an interesting letter was received from the Associate Reformed Synod of the South recommending a convention of all the churches holding the same doctrinal views.<sup>53</sup> In response to this request a committee was appointed by the Reformed Presbyterian Church which met on September 25, 1885 with delegates selected from three other churches: the Associate Reformed Presbyterian Church of the South, the United Presbyterian Church, and the General Synod of the Reformed Presbyterian Church (New Light), at which time the delegates from the Reformed Presbyterian Church (Old Light) stated their attitude in respect to civil institutions.<sup>54</sup> Since our Church differed so greatly from the position held by the other churches represented, little progress was made.

The first suggestion of any desire to modify the position of dissent was noted in the Report of the Committee on Union which was read in the Synod of 1888.<sup>55</sup> The Synod of the previous year had appointed this Committee to meet

53 The Reformed Presbyterian and Covenanter, XXII, Minutes of Synod, 1884, pp. 291-292.

54 Ibid., XXIII, Minutes of Synod, 1885, pp. 198-199. Our Church is known as the Old Light; the body that separated from us in 1833 is known as the New Light.

55 Ibid., XXVI, Minutes of Synod, 1888, pp. 208-210.

with a similar committee from the United Presbyterian Church. In the body of this report the object of the conference is given: "As to the object of the conference, it was agreed that it was not for the discussion of distinctive principles; but for a comparison of views, to determine how far we are in harmony. It very soon became evident that our sister church had been led to seek the conference under an impression that we were prepared to modify our practice so far as to make our position of political dissent and separation from the government of the United States a matter of personal judgment and conscience, and not a subject of church discipline. They stated that this impression had been conveyed to them by articles in some of our magazines, and personal interviews with some of our ministers. Your committee felt warranted to state most emphatically that no such sentiments had ever been uttered on the floor of our Synod; that no thought of that kind had been in the mind of Synod in appointing the committee, and that our Synod had no knowledge whatsoever that such an impression in their mind had led them to seek the conference."<sup>56</sup>

Thus, the members of the Synod became aware of the desire of some of the ministers of the Church to modify her position in respect to civil relations. The Synod of 1888, therefore, passed the following resolutions to place on record her position:

56 Ibid., XXVI, Minutes of Synod, 1888, pp. 208-209.

"RESOLVED, 1. That this Synod approves the course of its Committee, commends their wisdom and faithfulness, and affirms the conclusions which they reached.

"RESOLVED, 2. That we solemnly reaffirm our conviction that the Constitution of the United States is a virtual agreement or compact to administer the government without reference to Christ or the Christian religion, and that incorporation with the government on the basis of this Constitution is, therefore, an act of disloyalty to Christ. With this conviction in our hearts, we cannot do otherwise than maintain to the end the discipline we have maintained in the past; and we believe that the highest interests of our country, and of the kingdom of Christ, are involved in our fidelity at this point.

"RESOLVED, 3. That this Synod emphatically repudiates any interpretation of any previous deliverances or decisions as looking toward, or intended to lead, to the abandonment of our historic position; and Sessions and Presbyteries are hereby distinctly enjoined and directed to maintain, consistently and faithfully, the discipline of the church, requiring of her members a practical dissent from the government of the United States, as at present constituted, and furthermore, that Presbyteries be directed to make diligent inquiry as to whether or not any known violations of the law and order of the church with reference to this matter are tolerated in any congregations in their respective bounds,

and if so, to see that the law is enforced, and to report to this Synod.

"RESOLVED, 4. Believing in the language of our covenant that 'schism and sectarianism are sinful in themselves,' we earnestly pray for the restoration of the lost unity of the visible body of Christ, and we hold ourselves ready at any time, to enter into a council of believers, submitting all our differences to the decision of the Word and Spirit of God; but partial unions on the basis of compromise, for the purpose simply of forming a larger sect, involve for us the abandonment of our testimony, and unfaithfulness in the special work which our Lord, as we believe, has called us to do."<sup>57</sup>

During the next year a second move was made to form a union with the General Synod of the Reformed Presbyterian Church: that body referred to previously which had set up an independent Synod in 1833. A conference of both churches was held in January of 1890 in Pittsburgh, Pennsylvania.<sup>58</sup> The Reverend J.F. Morton in behalf of the General Synod presented certain terms as a basis on which a union of the two churches might be formed. The General Synod agreed to accept the declaratory testimony, the terms of communion as held in common before the division of 1833, and the Covenant of 1871 with an explanation of one sentence, namely, the acceptance of the principle of dissent from an immoral constitution.<sup>59</sup>

57 Ibid., XXVI, Minutes of Synod, 1888, pp. 211-212.

58 Our Banner, XVII, Minutes of Synod, 1890, p. 245.

59 Ibid., p. 246.

After a lengthy discussion of the third item the conference took a recess until the evening. The members of the committee from the Reformed Presbyterian Church now realized that the General Synod would not agree to enter into a union if dissent were to be a part of the testimony of the united churches. So that there would be no misunderstanding in regard to the position of the Reformed Presbyterian Church, her committee prepared the following statement which was read by David McAllister at the evening conference: "The committee appointed by the Synod of the Reformed Presbyterian Church agree to the basis of union submitted by the committee of the General Synod, provided the third item be amended to read as follows: The General Synod accepts the Covenant of 1871 with the understanding that the phrase, 'incorporate with the political body,' means such incorporation as involves sinful compliance with the religious defects of the written constitution, which incorporation would be the acceptance of said constitution, as it now stands, as a compact of government by the members of the Reformed Presbyterian Church, either in holding an office in which an oath is required to the constitution as such a compact, or by voting for men to administer the government on the basis of this compact."<sup>60</sup> This statement, of course, was the key to the whole situation. Indeed, it was the only point on which the two churches differed in 1833, and as can be seen by the terms presented by John Morton,

60 Stenographic Report of the Trial of 1891, pp. 25-26.

it continued to be the point of difference. A lengthy and animated discussion followed the presentation of this paper. Seeing that little could be accomplished and desiring to end the conference, a resolution was passed designation that the whole matter be referred to the respective Synods for further consideration.<sup>61</sup>

The Synod of the Reformed Presbyterian Church met again in the Second Church of New York in July of 1890. The Report of the Committee of Conference on Union, which was to bring the controversy out into the light of day, was submitted to the Synod. The report stated the terms brought forward by Morton of the General Synod and the terms outlined later by McAllister. It pointed out that there was but one point of difference, namely, the incorporation with a political body. Said the report: "As found a year ago, so now, there was ascertained to be but one point of difference--namely as to the incorporation with the political body--the one party holding that it is not sinful compliance with the religious defects of the constitution, to swear to its support or to vote for men who administer it--the other party holding that such action is sinful and cannot be done now anymore than in the past by members of the Reformed Presbyterian Church.....

"Your committee is of the opinion, however, that the Synod may not abandon her practical dissent from the government of the United States even to attain union with sister churches whose testimony is so like our own and whose work

<sup>61</sup> Ibid., p. 26.

on the reforms of the day is on lines parallel with our own and that while we hold ourselves in readiness to consummate union, organic union with all who in every place call on the name of the Lord Jesus, 'we do so only on condition that there be no surrender of the testimony of the Reformed Church and no departure from a practice by which that testimony is made effective.'"<sup>62</sup>

This report called forth the most extraordinary discussion on record in the Reformed Presbyterian Church. Speech after speech was delivered in opposition to the Church's covenant engagements to maintain both the honor of Christ as King and the supremacy of His law by requiring dissent from the written Constitution of our Government. After listening with utmost patience and forbearance for days as impassionate pleas were made by a few ministers against the principles of their own profession, the vote was taken, and the report was adopted.<sup>63</sup> One hundred and thirty members of the Synod cast their ballots approving the report; seventeen members voted against it; twelve members refused to vote.<sup>64</sup>

The opposition then embodied its views in writing and presented them to Synod. Six reasons for church union were stated; five of which stressed the value of unity in establishing Christ's Church. The Westminster Standards and the Covenant of 1871 were cited as authorities to prove that the Reformed Presbyterian Church is bound "by oath to pray and

62 Our Banner, XVII, Minutes of Synod, 1890, p. 246.

63 Ibid., pp. 246-247.

64 Ibid., p. 247.

labor for church union."<sup>65</sup> The paper pointed out that such a "union of the psalm-singing churches on a platform that includes all the principles of divine truth, and all the practices of scriptural order and worship.....would soon secure the glorious church unity for which Christ and his people pray."<sup>66</sup> The sixth reason, however, contained the real desire of the members of the opposition. It was as follows:

"VI. We specially protest against the approval or adoption of the committee's addition to the basis of union, which pledges not to vote nor hold office under the United States Constitution, as a farther condition of membership in our church.

"1. Because, although our sessions have long required such a condition of membership, yet it was never incorporated in our standards, must be overtured and adopted before it can be a lawful term of communion, and is contrary to the principles of our testimony.

"2. Because it makes our 'explanation of terms' a term of communion binding the conscience, which we have always disclaimed.

"3. Because it is a mere opinion that only proficient students of the Bible and of political philosophy can understand, and thus excludes Christ's little ones from church privileges contrary to his express will.

65 Ibid., p. 249.

66 Ibid., p. 249.



"4. Because it dishonors us and our covenanted fathers as having entirely omitted from our testimony, that which is now claimed to have been all along our chief term of communion, whose omission, the committee in their statement say, 'would leave the united church without any justifiable ground of a separate denominational existence.'"<sup>67</sup> This paper was signed by sixteen members of the Synod.<sup>68</sup>

The committee, which was appointed by the Synod to answer these reasons, pointed out that "the old covenants, the Westminster standards, our declaratory testimony and the covenant of 1871, are to be taken as a whole, and as a progressive, authoritative interpretation of God's Word, suited from age to age to circumstances of the church. These subordinate standards favor the organic unity of the whole church on the basis which Christ Himself proposes. Synod declares itself ready to co-operate in the consummation of the organic union of the entire Christian church on this basis."<sup>69</sup> The majority of the Synod was as deeply concerned in evangelizing the world as was the minority, but it did not believe that a larger denomination would further the cause of Christ, if a compromise in principle had to be made. The members of the majority likewise aspired to a united Church of Christ, but they felt that a compromise was not in order. God, they believed, had called them to bear witness for His Kingship over the nations, and they intended to obey

67 Ibid., XVII, 1890, p. 249.

68 Ibid., p. 249.

69 Ibid., XVII, 1890, pp. 276-277.

His call. Accordingly they answered the sixth reason for uniting the churches presented by the opposition in this manner: "The amendment proposed by Synod's committee to the basis submitted by the General Synod simply reaffirmed the historical position of the Reformed Presbyterian Church, in its initial principles. The church has not been dead. She has modified statements, and adopted her action to the necessities of the times. Her deliverances and the conduct of her members may have been in some cases inconsistent, as is true of all other churches: but the testimony has been and is that of practical political dissent from an immoral constitution of civil government. This position Synod declares its earnest determination, by the grace of God to maintain until the laws and authority of Christ are acknowledged in our nation's fundamental law."<sup>70</sup>

The historic Synod of 1890 having made its heroic decision adjourned on Wednesday evening, June 11, 1890, to meet in the Eighth Street Reformed Presbyterian Church, Pittsburgh, Pennsylvania, on the Wednesday after the fourth Sabbath of May, 1891, at 10:30 A.M.<sup>71</sup> And as her members sang the customary closing Psalm:

Behold how good a thing it is,  
And how becoming well,  
Together such as brethren are  
In unity to dwell,

there must have been a  
note of sadness in their singing, For when they meet again

<sup>70</sup> Ibid., XVII, 1890, p. 277.

<sup>71</sup> Ibid., p. 291.

will they still know the blessedness of Christian fellowship and unity or will that spark of discontent already lighted have spread disastrously across the pages of the Church's history?

A few weeks later the seventeen members of the opposition arranged a meeting to be held in Pittsburgh to discuss further the question of union. Several of the seventeen members, however, did not attend the meeting. Henry W. Temple in a letter to the Christian Nation<sup>72</sup> described the conference in these words: "It was not properly a meeting of the 'seventeen'. Some were present and others sent letters of counsel, who did not vote with the minority on that question. Some who were absent when the vote was taken, some who recorded 'no vote', and some who voted with the majority. Five States were represented, and five Presbyteries.

"The spirit manifested by the conference was quiet and deliberative. The platform published below was adopted after a full discussion of each of its principles, and it was unanimously resolved that an account of the meeting together with the platform should be furnished to the Christian Nation."<sup>73</sup> The Platform adopted at this meeting is as follows:

"We, the undersigned, agree together in the maintenance of the following principles:

"I. That while we hold it to be the duty of the church to maintain the most advanced testimony in behalf of truth

<sup>72</sup> A weekly paper of the Church at that time.

<sup>73</sup> Christain Nation, XIII, July 1890, p. 71.

and against error, yet the terms of communion ought to be limited to the plain requirements of the Scriptures; namely, faith in Christ and obedience to his Revealed Will.

"II. That persons who make a credible profession of Christ should be received into church membership on their acceptance of our Testimony and Terms of Communion without binding them to our explanation in the matter of political dissent or in other questions.

"III. That Restricted Communion, and not Close Communion nor Open Communion, is the teaching of the Bible and of our Standards.

"IV. That interchange of Pulpits should be allowed among those who preach the evangelical doctrines of the Gospel.

"V. That there should be an organic union of the whole Christian Church upon the basis of the plain teaching of the Scriptures.

"VI. That free discussion should be allowed of our subordinate standards, and of every deliverance of Synod; testing them by the Bible which is 'the only rule of faith and manners.'"<sup>74</sup>

This action was a surprising one on the part of the minority. As a matter of fact, the Synod of 1890 had permitted a full discussion of the question of union with another branch of the Church together with all the phases involved in the matter at issue. The proposition to unite by

<sup>74</sup> Ibid., p. 71.

sacrificing principle was rejected by a vote of one hundred and thirty to seventeen. In spite of that decision by the highest Court of the Reformed Presbyterian Church, a minority met to draw up a platform on which it resolved to "agree together in the maintenance of the following principles." In other words, these several ministers of the Reformed Presbyterian Church, notwithstanding the action of the Synod, voted to "agree together in the maintenance" of principles that were radically different from, not to say subversive of, those which, as ministers of the church, they were solemnly obligated to maintain. Had these men merely made the statement to correct the supposed current misrepresentations of their position, this matter could have been settled easily by the Presbytery of these men. But to adopt a platform, which they determined to "agree together in the maintenance of" it, was a more serious matter.

This meeting of the minority did not pass unchallenged. In August of 1890, a convention of elders of the Pittsburgh Presbytery was called by the elders themselves. In issuing the call for this special meeting of laymen, these incisive words were used: "It appears from reports in the public press, and from other sources, that a meeting has been held by certain ministers and elders of the R.P. Church, styling themselves 'The Friends of Christian Union', and forming an organization for the express purpose of seeking the abandonment, by the Covenanter Church, of her distinctive principles and practices, as is openly declared in their published plat-

form. In view of this organized and persistent effort of these brethren to lead the church to violate her solemn covenants and forsake her sworn allegiance to Christ, her King, the undersigned members of the sessions of Beaver Falls, Little Beaver, Allegheny, Central Allegheny, Pittsburgh, New Castle, Youngstown, Miller's Run and Union, unite in calling a Convention of all the Elders of Pittsburgh Presbytery, to be held in Allegheny R.P. Church, on the 12th day of August, 1890, at 10:30 A. M.

"Dear brethren, let us come together in humble and prayerful dependence upon the promised guidance of the Holy Spirit, that we may counsel and pray as to the duty and responsibility that rests upon us in these circumstances, as overseers of the flock of Christ and guardians of that system of truth which in our solemn ordination vows we have bound ourselves to maintain in its integrity."<sup>75</sup>

At the evening session of this convention of elders the report of the Committee on Resolutions was read and adopted. The first part of the report pointed out that certain ministers pleading for church union as a pretense were endeavoring to undermine the principle of the Church in respect to dissent. The members of the convention contended that the question had been settled already by the last Synod when it granted everyone an opportunity to discuss the matter and to vote upon it. The second part of the report stated that since the small minority had no intention of abandoning the plan but had held

<sup>75</sup> Christian Nation, XIII, August 1890, p. 103.

a meeting to formulate a platform, "the elders of Pittsburgh Presbytery desire to express, and record their convictions in the following resolutions:

"That the head of the Church holds Ruling Elders responsible for the faith and practice of the whole flock of Christ, ministerial members not excepted.

"That Elders are responsible for the teachings of the pulpit as well as for the teachings of the Sabbath School....

"That it is a violation of the standards of the Covenanter Church to use the elective franchise in voting for officers of the Government of the United States.

"That we respectfully inform Presbytery that we are opposed to the licensing of students and to the ordination or installation of any one who assails openly or secretly the well-known practical application of our distinctive principles.

"That this convention of elders of the Pittsburgh Presbytery not only re-affirm our position in doctrine, worship, and practice, as has always been held by this church, but also would respectfully ask our Presbytery to take notice of any violations of the same."<sup>76</sup> These resolutions together with **several** other resolutions were sent to the clerk of the Pittsburgh Presbytery.

Upon returning to their respective congregations, the elders laid the matter before the church members. When the Presbytery met later in the middle of October, memorials had

<sup>76</sup> Ibid., XIII, August 1890, p. 115.

been adopted by six different congregations and had been sent to the clerk of the Presbytery.<sup>77</sup>

This Presbytery was convinced that some action must be taken. It was evident, first of all, that the tendencies and teachings of these dissatisfied ministers had been harmful to the Church. Secondly, the resolutions from the Conference of elders had to be answered as well as the memorials from the various congregations. Something had to be done at once. The Presbytery might have proceeded against the ministers within her bounds who were responsible for the East End Meeting and Platform on a number of counts and specifications, some of which she would have taken common ground with other ecclesiastical bodies.<sup>78</sup> But to make the whole case as definite as possible and to avoid a wide range of discussion, the trial was confined to the one principle of political dissent against which the whole movement had especially directed its assault, and which, more than any other principle, distinguishes the Reformed Presbyterian Church from other churches. The records show that the Presbytery was anxious to avoid a trial, for in the report of the Discipline Committee to which the resolutions and memorials had been referred, an opportunity was given to the seven ministers of the Presbytery who had signed the East End Platform "to make statements in regard to the matter set forth in these memorials as they think best."<sup>79</sup>

77 Ibid., XIII, November 1890, p. 322.

78 The meeting of the minority in the East End Church became known as the East End Meeting.

79 Christian Nation, XIII, November 1890, p. 323.



After this item of the report was adopted, each of the seven ministers arose and made a statement. But unfortunately, their statements showed no sign of retraction.<sup>80</sup> Even after these fruitless efforts to bring the young men into agreement with the Presbytery, there was manifest a reluctance on the part of the Court to pass a recommendation which would empower the Presbytery to appoint a Judicial Committee to "make further efforts to agree on a basis of settlement, and if successful, to call a special meeting of Presbytery for its consideration; if such endeavor proves unavailing, then this Committee shall have full power to call witnesses before them to ascertain the facts, and if found necessary to frame charges and call a special meeting of Presbytery, and cite the parties and witnesses to appear."<sup>81</sup>

The Judicial Committee met with the ministers in question and proposed the following as a basis of reconciliation:

"1. We disavow the East End platform as a basis of union within the Reformed Presbyterian church--and as other than an explanation of individual opinion.

"2. We engage to abide by the existing laws of this church as to voting at civil elections and holding office and to carry them out in the exercise of our office.

"3. We engage not to propagate contrary views to the above while holding the position of ministers of the Reformed Presbyterian church."<sup>82</sup> The signers of the East End Plat-

80 Ibid., p. 323.

81 Ibid., XIII, November 1890, p. 323.

82 Ibid., p. 327.

form accepted this basis of reconciliation, and it seemed that the end of the dispute was in sight. The Judicial Committee, therefore, called a special meeting of the Pittsburgh Presbytery to report the reconciliation. When the Presbytery proposed to put on record its opinion of the East End Meeting as to its methods and Platform, four of the ministers objected with the threat that if Presbytery took such an action they would repudiate the whole work of the Judicial Committee.<sup>83</sup> In other words, the members of the East End Meeting seemed quite willing to express their views on church principles, but they did not propose to grant the Presbytery this same privilege. The Presbytery, then, passed resolutions condemning the East End Platform, and the defending ministers withdrew their assent to the basis of reconciliation.<sup>84</sup> The Presbytery immediately instructed the Judicial Committee to proceed with its preparation for the trial of the men who refused to disavow the East End Platform.

On December 9, 1890, the Presbytery again met at the call on the Judicial Committee at which time this Committee reported the libeling of five ministers: H. W. Temple, H. W. Reed, O. B. Milligan, E. M. Milligan, and W. L. C. Samson.<sup>85</sup> The Presbytery named D. B. Wilson and A. Kilpatrick to represent it at the trial.<sup>86</sup>

In representing the case against these men, the representatives of the Presbytery pointed out that the confession

83 Ibid., p. 327.

84 Ibid., XIII, November 1890, p. 327.

85 Our Banner, XVIII, January 1891, p. 23.

86 Ibid., p. 24.

of these men to the signing of the East End Platform as well as their having had a part in the drawing up of it would lead ultimately to a disrupted Church. They repeatedly entreated them to consider carefully their course before it was too late to change it. According to the records the trial was a fair one; the defendants were heard with courtesy and patience as they expressed their love for the Covenanter Church. Unfortunately, in spite of their devotion expressed for the Church, they refused to sanction and uphold her foremost principle by disavowing the East End Platform.<sup>87</sup>

When the time came to vote to sustain the Judicial Committee, there were tears in the eyes of many of the Presbyters. "In some instances," read the minutes, "members would be almost unable to proceed because of intense sorrow as they would express their sense of obligation to vote to sustain the libel as proven."<sup>88</sup> Twenty-five members voted to sustain the Judicial Committee; four members voted not to sustain it.<sup>89</sup> When the Moderator announced the decision, the men on trial notified the Presbytery of their intention to appeal the case to Synod. The Presbytery then placed them under suspension until satisfactory evidence of repentance was shown.<sup>90</sup>

J. R. J. Milligan and A. W. McClurkin, two outstanding ministers of the Presbytery also in sympathy with this new movement, demanded a separate trial, and on January 13, 1891, the Pittsburgh Presbytery met again. The second trial was

87 Ibid., pp. 25-26.

88 Ibid., XVIII, January 1891, p. 25.

89 Ibid., p. 25.

90 Ibid., p. 25.

conducted in the same manner as was the first one. As before an opportunity was given to these men to disavow the East End Platform. In refusing to do so, they presented the same arguments as their predecessors. When they refused to comply with the wishes of the Court, the Presbytery voted to sustain the libels, and the men immediately gave notice of appeal and complaint to Synod. These two ministers were also placed under suspension.<sup>91</sup>

Meanwhile, W. H. Temple, who was likewise in sympathy with the new movement, requested a letter of dismissal to the United Presbyterian Church. His letter of dismissal was granted on condition that a full statement of his case be presented with it.<sup>92</sup> On May 13, 1891, he was received by the Chartiers Presbytery of the United Presbyterian Church and was installed pastor of the Washington, Pennsylvania, United Presbyterian Church.<sup>93</sup>

The controversy rested until the meeting of Synod, which met in the Eighth Street Reformed Presbyterian Church, Pittsburgh, Pennsylvania, on May 27, 1891. How disheartening this assembling must have been, for just twenty years before in this same church a united body had pledged its allegiance to the Covenanter Church in that memorable act of covenanting! Richard Cameron Wylie, who was later to become the President of the Reformed Presbyterian Seminary, was elected Moderator.

91 Ibid., p. 27.

92 Ibid., XVIII, June 1891, p. 168.

93 Christian Nation, XIV, May 1891, p. 312.

One hundred ministers and ninety-one elders responded to the calling of the roll.<sup>94</sup>

On Friday, the twenty-ninth day of May, the appeals and complaints of the ministers who had been tried and suspended from the ministry by the Pittsburgh Presbytery were presented and were referred to the Committee on Discipline.<sup>95</sup> On Tuesday afternoon, June 2, the trial began and continued until Wednesday evening, June 10.<sup>96</sup> Each man on trial was given a full opportunity to present his case. With the exception of the address by A. W. McClurkin which was presented on Tuesday afternoon, a complete stenographic report was made of the trial.<sup>97</sup>

The first complainant heard was A. W. McClurkin who claimed that he had been libeled without witnesses; therefore, he contended that the libel should not be entertained. Statements were attributed to him, he claimed, which he had not made; and since these statements were not supported by witnesses, he insisted that his own denial of them was sufficient to make them inadmissible as evidence.<sup>98</sup> David McAllister, speaking for the Pittsburgh Presbytery, refuted the statements made by McClurkin by pointing out that the charges made against him and the other six ministers were admissible, since each defendant had confessed to his part in the East End Meeting and each one had confessed that he

94 Our Banner, XVIII, Minutes of Synod, 1891, pp. 173-179.

95 Ibid., pp. 186-187.

96 Ibid., pp. 194-285. The Record of the Trial.

97 See Appendix IV, p. 311.

98 Christian Nation, XIV, June 1891, p. 4.

had signed the Platform and had declared to "agree together in the maintenance of the following principles." One of these terms of agreement, the speaker pointed out, was that "persons.....should be received into the church membership on their acceptance of our Testimony and Terms of Communion without binding them to our explanation in the matter of political dissent or in other questions."<sup>99</sup> Such an agreement was a direct repudiation of the position of the Church in respect to her belief concerning the matter of political dissent. "What are the specifications under that charge?" asked McAllister. He defined them in these words: "Being present at the East End Meeting, formulating its Platform, and thus being responsible for the circulation of the Platform, and avowing in open court approval of that Platform. Here we have the charges in specific detail."<sup>100</sup> Then Dr. McAllister answered McClurkin's charges in regard to the testimony given at the trial and to the lack of witnesses. "On this point I am very confident," he said, "that there has been a great deal of vagueness in the minds of many as to what constitutes testimony. Of course, you can bring a witness and let him testify to what he has heard any one say; that would be testimony. You can bring a document, which can be duly certified in one way or another....There was no attempt to bring any testimony of this kind, for there is no need of it.

99 Ibid., XIII, July 1890, p. 71.

100 Stenographic Report of the Trial of 1891, p. 215.

"The testimony was there; the testimony was specific. There was the Platform. There was the plank of it mentioned in the libel. The Court itself heard all these persons avow their approval of the whole of that Platform. That was done in the hearing of the Court....Who is the witness? it is the Court itself. The Court itself has heard, and the Court does not need to testify. The Court is the witness as well as the judge. This is the principle recongized in our Presbyterian law, that what is done in the presence of the Court, the Court is competent to take in hand and deal with by discipline on the spot. The testimony is there."<sup>101</sup> He likewise pointed out the leniency of the Church in that they were liable to conviction at the very outset of the controversy, but with patience and with love Presbytery had given them the opportunity to disavow their approval of the Platform, which they definitely refused to do.

The second complainant heard was H. W. Reed.<sup>102</sup> He stated that there had been a misunderstanding in the wording of the Platform, and that certain ministers construed an understanding of it which was not the true one. He also claimed that the Minutes of the Presbytery were incorrect and contended that the Presbytery had voted to appoint a Judicial Commission, which, as a Commission, would have had power to decide the case. He insisted that a change in the Minutes had been made after the meeting of the Presbytery, and a committee

<sup>101</sup> Ibid., p. 216.

<sup>102</sup> Ibid., pp. 49-64. The complete address of H. W. Reed.

had been appointed to try his case instead of a Commission. He likewise attacked the call of the Elders' Conference by claiming that certain names attached to it were forged. Thus, he claimed, by misrepresentations the Presbytery was induced to proceed against them. For these reasons he expressed the belief that the Synod should not sustain the Presbytery in its action.

In replying to the charges made against the Presbytery, Dr. George called H. W. Reed to the platform. Then, the Chairman of the Committee on Supplies--the committee which had been appointed by the Presbytery to nominate the Judicial Committee--was summoned to the platform also. The latter was asked concerning the charge, and in the presence of the Court he stated that he had written the report. Then, the report was examined and it was found that Presbytery had voted to appoint a committee and not a commission as H. W. Reed stated.<sup>103</sup> After further conversation between Dr. George and H. W. Reed, the latter made the following statement: "With these statements made by Dr. George in regard to those changes and amendments in Presbytery of the Report of the Committee, I am certainly willing to withdraw the charge I made, and am satisfied with the report as finally adopted and published.....And I am sorry for what I said under the circumstances."<sup>104</sup>

The second complaint made by him was likewise refuted by Dr. George. Reed had charged that several names had been

103 Ibid., pp. 167-171.

104 Ibid., p. 171.



forged on the call for the Elders' Conference. After some discussion only two names were questioned, one of which was that of John Ewing an elder from Youngstown, Ohio. Ewing was asked to make his statement. He said: "Shortly after the East End Convention it came there in the daily paper,<sup>105</sup> and created some excitement, with some members of the congregation. The members of the session, the elders, held a kind of a conference, and I told them I thought all we had to do now was to pass a resolution, or resolutions, condemning the East End Meeting, and we did so.....Well, a few days afterwards they came with a call for the Elders' Convention. I live about 11 miles from the city of Youngstown, out in the country. Four members live in the city of Youngstown. They couldn't reach me, they hadn't time to get there, and after consulting among themselves they thought it wouldn't do me justice unless I had an opportunity of signing the call, and they attached my name to that call and notified me by mail what they had done, and I told them that I was glad they had done so, that I wanted my name attached to that call; I glory in it. Those are the facts in the case."<sup>106</sup> The other name in question was that of A. B. Copeland of the Parnassus congregation. The speaker called upon Elder John A Dodds, who was present at Synod, to tell what he knew about the name of A. B. Copeland with reference to the Elders' Convention. Dodds reported that he had written to Copeland, and that Copeland had written "a long

105 In this statement he has reference to the report of the East End Meeting.

106 Stenographic Report of the Trial of 1891, p. 160.

letter endorsing the movement (i.e., the movement to call the Elders' Conference) thoroughly, and ordered his name to be put on the call. He said he did not know whether he would be there or not, but he was present at the first session."<sup>107</sup> Thus, the arguments of Reed were refuted to the satisfaction of Synod.

E. M. Milligan followed.<sup>108</sup> He said that his trial had been characterized by prejudice, and that his sentence had been anticipated. He claimed also that the appellants had been widely misrepresented, for the East End Platform had been formulated to show what the adherents did believe. He admitted that he had affirmed the principles of the East End Platform, but he contended that believing a doctrine is not a divisive act. In endeavoring to prove his argument, he used the following language: "If I were to begin to carry out the principles of that Platform in my congregation; or if I were to begin to preach these principles in my pulpit to make trouble in my congregation, then there is an act. Then I am handling those opinions. In that case I would be divisive."<sup>109</sup> Thus, he argued that he had been suspended for believing what the majority did not believe. He then challenged the Synod to prove from God's Word the principle of political dissent. Since the defenders of the East End Platform did not believe that God required our refusal of the franchise, he contended that they did not think that this principle should be included

<sup>107</sup> Ibid., p. 161.

<sup>108</sup> Ibid., pp. 65-93. The complete address of E. M. Milligan.

<sup>109</sup> Ibid., p. 77.

in our Terms of Communion. Milligan closed his defense by saying that "we could never feel sorry for putting forth a platform of principles, which, in our hearts, we honestly believed to be the truth."<sup>110</sup>

The fourth complainant heard was W.L.C. Samson.<sup>111</sup> In opening his remarks he stated that a divisive course is one that leads away from truth, whereas a course that leads back to truth cannot be declared a divisive one, else the reformers were heinous and scandalous sinners. This statement was made to introduce his defense for the East End Platform, which, he believed, was founded upon the Scriptures. He referred to the action of Christ when He accepted into the Kingdom of God the thief without binding him to an explanation of testimony. This passage from the Book of Revelation was also quoted: "Let him that is athirst come. And whosoever will, let him take the water of life freely." Other passages were quoted, and these, thought the speaker, were "sufficient to show that one making a credible profession of Christ should be received into church membership without binding him to our explanation of the Testimony. And to hold that idea is but to hold what seems to us to be the true Scripture. Therefore, we appeal to this court because the opinion specified as being divisive is scriptural."<sup>112</sup> His appeal rested mainly on a defense of the East End Platform which, to his mind, was not a divisive course.

<sup>110</sup> Ibid., p. 92.

<sup>111</sup> Ibid., pp. 93-109. The complete address of W.L.C. Samson.

<sup>112</sup> Ibid., p. 95.

The fifth complainant heard was O. B. Milligan.<sup>113</sup> He began his address by answering current accusations heard against himself. Many articles, he said, had appeared recently in the publications of the Church, which he had not written, neither had he been responsible for them. However, he expressed the belief that the Synod of 1890 did not have the authority of God in passing a resolution that there should be "no more writing in our magazines against any of the principles or doctrines of the Reformed Presbyterian Church."<sup>114</sup> Furthermore, he denied that he had ever voted under the United States Constitution or opposed the Covenanter principles publicly or otherwise. In regard to his allegiance to the authority of Synod, he boasted of it except so far as Synod deemed the East End Meeting a violation of it. Then he went over the events leading up to the East End Meeting and endeavored to show why the leaders thought it was necessary for them to call such a gathering. He, too, regretted any disturbance within the Church resulting from the new Platform. Nevertheless, he refused to disavow the Platform which had been made. At this point in his speech he defended the second plank of the Platform in the same manner as the previous speaker had done. Merely holding certain opinions without propagating them, he thought, was not a divisive course.

113 Ibid., pp. 109-120. The complete address of O. B. Milligan. (In view of the fact that the last four complainants rested their case on the defense of the East End Platform, and since the representatives of Synod refuted these arguments under one head, their arguments will be given later.)

114 Ibid., p. 113.

J. R. J. Milligan was the last complainant heard.<sup>115</sup> Milligan, it seems, had been chosen to sum up the arguments already brought forward. He dwelt at length on the contentions brought out by the former speakers, namely, that witnesses had not testified at the trial, that the Minutes of the Pittsburgh Presbytery were incorrect and incomplete, that the accused understood that the Judicial Committee was a Commission, that the trial was characterized throughout by prejudice, that the appellants had been widely misrepresented, and that the East End Platform had been formulated to indicate their convictions on the subject of political dissent. He, too, maintained that the holding of the East End Meeting was not a divisive course, and if he were asked to do so, he could not disavow the statements which had been agreed to in that document. He closed his address with a strong appeal that "God may be glorified and His Church built up, even out of these dark days and crooked ways and rough places....and that God may enable you to do justly, and give a wise decision and righteous judgment, as between me and Pittsburgh Presbytery."<sup>116</sup>

When the complainants had finished their arguments in support of their appeals and complaints, the Moderator of Synod announced that the representatives from the Pittsburgh Presbytery would be heard. Robert J. George and David McAllister had been appointed previously by the Presbytery to represent that body.

115 Ibid., pp. 120-141. The complete address of J. R. J. Milligan.

116 Stenographic Report of the Trial of 1891, p. 141.

R. J. George, who first addressed the Court, spoke earnestly pointing out, first of all, that no charge had been intended against the personal characters of these men. "The Moderator of the Presbytery," he said, "in preferring the libels had called attention to this fact. In each case he was careful to say to these dear young brethren that there was no imputation upon their moral integrity."<sup>117</sup>

Secondly, he stated Presbytery's reason for having withheld the case from the public, waiting "until this hour to vindicate itself."<sup>118</sup> This silence seemed to some members to have been a sign of weakness, since the Presbytery had been challenged already by the public press. Dr. George declared that the Presbytery through her representatives" would have been very glad, and proud indeed, to have submitted to the public the noble, and as it seemed to us, dignified and unanswerable defence or advocacy of Presbytery's course..... I can say that it is not through any hesitation to submit the case, as it was before us, to the judgment of the public that we have been restrained. But it did not seem to us the proper course for a court of Christ's house to take. These young men had used the privilege which belonged to them, and appealed their case to a higher court, and should submit it here."<sup>119</sup>

Thirdly, to show that the Presbytery was acting in accordance with the action of Synod, George quoted the

<sup>117</sup> Ibid., p. 145. The complete address of R. J. George is found on pages ~~144~~ 209.

<sup>118</sup> Ibid., p. 146.

<sup>119</sup> Ibid., p. 146.

resolution that had been passed by the last Synod which directed Presbyteries to see that the direction of Synod in the matter of publishing sentiments contrary to, and subversive of, the well-established principles of the Church was carried out. Furthermore, he reminded them that Synod also gave Presbyteries power to take action against any act which in any way appeared contrary to, or subversive of, the principles of the Church. A definite and specific act, he declared occasioned the action of the Pittsburgh Presbytery: the holding of the, East End Meeting was a secret gathering; an organization was formed; a Platform was adopted. He explained further that this Platform ordered the dissemination and propagation of propositions which the Presbytery considered subversive of the principles of the Church, and that, since the adoption of the new Platform, the participants continued to affirm its propositions. As a result, Presbytery was forced to take action.<sup>120</sup>

Already the arguments by R. J. George refuting several of the points brought out by the complainants have been discussed. The real issue of the trial, however, was to be found in the second plank of the Platform.<sup>121</sup> It was the purpose of the representatives of the Presbytery to show that this portion of the Platform was subversive of the fundamental principles of the Church. George referred to the Testimony of the Church, chapter thirty: "It is the duty of Christians,

120 Ibid., pp. 150-153.

121 See p. 200.

for the sake of peace and order, and in humble recognition to God's good providence, to conform to the common regulations of society in things lawful; but to profess allegiance to no constitution of government which is in hostility to the kingdom of Christ, the Head of the Church, and the Prince of the kings of the earth."<sup>122</sup> He continued his speech by quoting the first error condemned by the Testimony of the Church: "That it is lawful to profess or swear allegiance to an immoral constitution of civil government."<sup>123</sup> To impress his listeners further, he read from the Covenant of 1871: "The nation refuses to own its responsibility to God and to the Mediator, to recognize the supremacy of the Bible in National affairs, and to countenance and encourage the true Christian religion.... We take ourselves sacredly bound to regulate all our civil relations, attachments, professions and deportment, by our allegiance and loyalty to the Lord, our King, Lawgiver and Judge; and by this, our oath, we are pledged to promote the interests of public order and justice, to support cheerfully whatever is for the good of the commonwealth in which we dwell, and to pursue this object in all things not forbidden by the law of God, or inconsistent with public dissent from an unscriptural and immoral civil power. We will pray and labor for the peace and welfare of our country, and for its reformation by a constitutional recognition of God as the source of all power, of Jesus Christ as the Ruler of Nations, of the

<sup>122</sup> Stenographic Report of the Trial of 1891, p. 156.

<sup>123</sup> Ibid., p. 156.



Holy Scriptures as the supreme rule, and of the true Christian religion; and we will continue to refuse to incorporate by any act, with the political body, until this blessed reformation has been secured."<sup>124</sup>

In explaining his reason for reading this extract from the Covenant, the speaker said: "That is what we have sworn. If any one suggests, as is suggested, that that does not specifically bind this church to a practical political dissent from the government of the United States by any act of incorporation, I cannot see how they understand it. If any one in this church denies that the exercise of the right of suffrage is an act of incorporation, I am not able to understand how they have sworn this covenant. And, my Brethren, if we took that covenant with the understanding that such act of citizenship is an act of incorporation, then I take it that any platform that undertakes to lead the church away from insistence upon that as a term of communion, is undertaking to lead the church into apostasy and into a breach of her Covenant.

"I submit today, it is the conviction of the church that when the principles of the East End Platform prevail, according as they are explained by the brethren themselves, this church will cease to be a church standing apart from the political institutions in this land as a witness for Jesus Christ."<sup>125</sup> The principles of the East End Platform, he pointed out, were not in harmony with the Standards of the Covenanter Church, and

<sup>124</sup> Ibid., pp. 156-157.

<sup>125</sup> Ibid., p. 157.

therefore the act of drawing up such a Platform was subversive. Not only was this Platform drawn up and adopted; but it was propagated, a procedure which Synod utterly disapproved. Dr. George explained further that the Platform was published in the public press; it was sent by the official secretary of the East End Meeting for issuance through the magazines of the Church; it was issued in tract form and was sent out over the entire Church. The Presbytery took such to be a specific act on the part of these brethren.<sup>126</sup>

The speaker continued to trace in detail the steps of procedure which the Presbytery had taken after the East End Meeting. He pointed out that every opportunity had been given to each appellant to plead his case. He referred to E. M. Milligan's generous statement made in the presence of them all, in which he declared that John W. Sproull had been "generous and upright in his treatment of them."<sup>127</sup> Yet Sproull was a member of the Judicial Committee and had voted for the conviction of these men after having heard the trial in the Pittsburgh Presbytery. As a result, George thought that every charge of injustice and wrong had been cleared away.

In closing his remarks, R. J. George said that the question "is a great fundamental principle, involving the very life of the church, the integrity of our covenants, our fidelity to the Kingdom of Christ, and to our Lord's command. The question is simply this, dear Brethren: Whether men may

126 Ibid., p. 157.

127 Ibid., p. 205.

be retained in the ministry of the Reformed Presbyterian church who have ceased to believe her fundamental principle as to practical political dissent, by promising not to preach to the contrary. And this, my Brethren, must determine in your minds whether the censure is too severe. It is admitted that these views are held and that they are adhered to. It is a question, then, whether men who hold these views and adhere to them, and have no regret for having expressed them in a formal Platform, and issued them, can be retained in the ministry of the Reformed Presbyterian church?....If they were convicted of following a divisive course by holding these views, there is no other possible disposition of the case, but that they should be separated from its ministry."<sup>128</sup>

The second representative for the Pittsburgh Presbytery was David McAllister, who began his address by stating that he had been known throughout the Church as a liberal thinker.<sup>129</sup> For example, he told about one of the defendants having said to him before the trial, "We expected you to go with us, and we are mad at you because you didn't."<sup>130</sup> He expressed to Synod his sympathy for these men, even though he did not approve of their actions.

McAllister pointed out that there were four definite accusations made by the complainants. The first of these dealt with the evidence of injustice and wrong on the part

<sup>128</sup> Stenographic Report of the Trial of 1891, p. 208.

<sup>129</sup> *Ibid.*, 210. The Complete Address is found on pages 209-299.

<sup>130</sup> *Ibid.*, p. 210.

of anyone in the conduct of the trial. Since a claim had been made that there were no witnesses for the defense, the speaker appealed to the "well known law of the Scottish Church. I turn," he said, "to Steuart's Collections (Edinburgh edition of 1830), page 408, of Vol. 1, which lays before us with the utmost clearness the principle that controls in all such cases: 'Although judges cannot be both judges and witnesses, yet he is a witness and a judge, too, of what he sees and hears in judgment, for these are counted as notour' (or, matters of notoriety).

"That is, what comes before a court in any process of discipline, or judgment, not only when the trial is actually on hands, but in leading up to it, that is competent testimony.

"Who is the witness? It is the Court itself. The Court itself has heard, and the Court does not need to testify. The Court is the witness as well as the judge. This is the principle recognized in our Presbyterian law, that what is done in the presence of the Court, the Court is competent to take in hand and deal with by discipline on the spot. The testimony is there."<sup>131</sup> McAllister insisted that witnesses were not needed; for the men on trial attended the East End Meeting, they admitted that they had helped to formulate and issue a Platform, and that they had endorsed the same in the presence of the Court. This admission, he said, was the testimony and the proof in the hearing of the Court itself and was the strongest kind of evidence as to the participants pursuing

<sup>131</sup> Ibid., p. 216.

divisive courses. Thus, there was no wrong or injustice done by the Presbytery according to McAllister.

Another claim made by the complainants, which McAllister dwelt upon, was that members of Presbytery had prejudged the case.<sup>132</sup> He refuted this argument by saying that the evidence was presented at the very first meeting of the Presbytery before the trial was called. The evidence of guilt uttered then, he declared, was sufficient for the Court to have voted for an immediate suspension. Instead of acting at once, he explained, the Presbytery gave the young men an opportunity to change their course, but when they refused, the Presbytery was obligated to act. The attitude of the Presbytery, he thought, was not one of prejudice, but it was marked by patience and longsuffering. "Everything was conducted with a great deal of order," he stated, "and there was every manifestation of the hearts of ministers and elders being touched with the deepest sorrow."<sup>133</sup> However, the attitude of the defendants appeared to Dr. McAllister to be one of flippancy and irresponsibility, for he said: "I appeal to the many witnesses who were present, if it be not true that the persons that were under accusation were often gathered together in a group laughing. They were often treating with lightness and flippancy the most sacred and serious things."<sup>134</sup>

The third important consideration, thought McAllister, concerned the pursuing of divisive courses by the men on trial.

132 Ibid., p. 238.

133 Ibid., p. 240.

134 Ibid., p. 240.

A portion of the Confession of Faith dealing with the publication of propositions in opposition to the teachings of the Church was read: "And because the powers which God hath ordained, and the liberty which Christ hath purchased, are not intended by God to destroy, but mutually to uphold and preserve one another; they who, upon pretence of Christian liberty, shall oppose any lawful power, or the lawful exercise of it, whether it be civil or ecclesiastical, resist the ordinance of God. And for their publishing of such opinions, or maintaining of such practices, as are contrary to the light of nature, or to the known principles of Christianity, whether concerning faith, worship, or conversation; or to the power of godliness; or such erroneous opinions or practices, as either in their own nature, or in the manner of publishing or maintaining them, are destructive to the external peace and order which Christ hath established in the church; they may lawfully be called to account, and proceeded against by the censures of the church, and by the power of the civil magistrate."<sup>135</sup>

This is our fundamental law, the speaker pointed out, and it is founded upon the Word of God. Here a passage from the Scriptures was cited: "Obey them that have the rule over you, and submit yourselves; for they watch for your souls, as they that must give account, that they may do it with joy, and not with grief: for that is unprofitable for you."<sup>136</sup> He contended further that the Pittsburgh Presbytery obeyed the law in calling

<sup>135</sup> Ibid., p. 253.

<sup>136</sup> Hebrews 13:17.

to account those ministers in its jurisdiction whom it knew to have had connection with a platform, which the Presbytery believed to be subversive of the Church's fundamental principles; thus making the adherents liable to the censures of the Church. As to the position of the Church in regard to the matter of political dissent, he stated that every true Covenanter knew that it was upon this principle that the Church stood. "This," asserted McAllister, "is the position which the East End Meeting and Platform have assailed, and therefore here rests the responsibility for the division which we have in our church on this very point today."<sup>137</sup> Not only did they assail the principle, he declared, but according to their own admission, they erred in failing to teach it. This action could be nothing more than the pursuance of divisive courses.

The fourth main point in McAllister's discussion dealt with the appeal from the sentence of suspension.<sup>138</sup> He carefully traced the personal effort made by himself and by other ministers to convince the young men of the seriousness of the step which they were pursuing. He also reviewed the procedure of the Presbytery in endeavoring to lead them to change their course. Because of their refusal to be persuaded by the Church to retrace their steps, continued the speaker, the defendants must be regarded as heathen men and as publicans, for said Jesus: "But if he neglect to hear the church, let him be unto

<sup>137</sup> Stenographic Report of the Trial of 1891, p. 273.

<sup>138</sup> Ibid., pp. 287 ff.

thee as an heathen man and a publican."<sup>139</sup> He insisted, therefore, that the Church did that which, in the nature of the case, she was imperatively bound to do according to Presbyterian law based on the Word of God. He stated further that the sentence was inflicted in order that it might bring about a restoration of the erring brethren to their proper position in the Church. The character of the suspensions, according to the speaker, prohibited all functions of the ministry in other churches as well as in the congregations over which they had been placed; but in view of the fact that the pastoral relations between the men on trial and their respective congregations had not been dissolved, the congregations remained responsible for their salaries. McAllister accused the men on trial of disregarding the sentence of suspension because they had preached in the pulpits of other denominations.

McAllister closed his address with a strong plea requesting the dismissal of the appeals for reinstatement. He said in part: "And now I bring this whole matter to a conclusion. The bearing of this point on the question of sustaining the appeals is just this: The Presbytery in its first judgment found these men guilty of pursuing a divisive course. It then proceeded to carry out what it could not hope to carry out otherwise. Its first judgment would not otherwise have been worth a snap of your fingers. It proceeded to carry out that judgment in a temporary suspension. That sentence has

<sup>139</sup> Matthew 18:17. Quoted by McAllister.



been disregarded. The men who have disregarded it, really had no right to be heard before this Court, until they had given full satisfaction for having violated the law of the church. They did not give full satisfaction; and now when the question of sustaining the appeals comes up, this must be considered by you. If any of you have in your mind the idea that they ought to have made satisfaction which they have not made, that itself is sufficient for your own conscience to tell you that the appeals ought to be dismissed. And if they have given to your mind sufficient and satisfactory evidence of not having treated the court, under which they were, with contempt, or of having purged themselves of contempt, then the question still remains, whether there be ground of complaints of injustice and wrong, and whether there be ground for these appeals. You should still keep in view the fact of their having violated this act of suspension, and with that the whole course of procedure taken together, viewed as a complete case, as it has been insisted you should take everything into consideration; and all these considerations must prove, as it seems to me, fully adequate for the reaching of the verdict that these appeals ought to be dismissed."<sup>140</sup>

When McAllister had finished his address, each man on trial was given time for rebuttal. The complainants endeavored to make clear several minor points but spoke generally about the case. After the defendants had been heard, the representatives, George and McAllister, were given an opportunity

to present their rebuttals. The representatives pointed out that each accusation against the Presbytery had been answered and had been proven false. Each representative asserted that the appeals should be dismissed.

To make clear certain details of the trial, a number of questions were asked. A number of resolutions were then introduced to determine Synod's decision. Considerable time was taken up discussing these resolutions in order that the wording would be satisfactory.

The verdict of the Synod in the cases of H. W. Reed, W. L. C. Samson, J. R. J. Milligan, E. M. Milligan, and O. B. Milligan, who had appealed from the action of the Pittsburgh Presbytery in suspending them, was as follows:

"The Court finds that although in the review of the cases some informalities have appeared, these have not seriously affected the procedure and conclusions of Pittsburgh Presbytery; it is therefore ordered that the complaints of injustice and wrong of Revs. H. W. Reed, W. L. C. Samson, E. M. Milligan, O. B. Milligan, and J. R. J. Milligan be dismissed.

"The Court finds that Revs. H. W. Reed, W. L. C. Samson, J. R. J. Milligan, E. M. Milligan, and O. B. Milligan have fully and distinctly avowed their presence at the East End Meeting, and their responsibility for its published platform; this Court therefore orders that their appeals be dismissed."<sup>141</sup>

To take the vote on the first paragraph of this deliverance, the roll of Synod was called, and each member was permitted one

<sup>141</sup> Our Banner, XVIII, Minutes of Synod, July and August 1891, pp. 249-250.

minute to explain his vote, As the charge was one of injustice and wrong against the Pittsburgh Presbytery, the members of that Presbytery had no vote. The resolution was adopted by a vote of ninety-five to thirty-six.<sup>142</sup>

The second paragraph was taken up; the roll was called again. Members of the Pittsburgh Presbytery were permitted to vote on this part of the deliverance. The resolution was adopted by a vote of one hundred and thirty to twenty-five.<sup>143</sup> As a result, the Pittsburgh Presbytery was sustained, and the East End Platform and its promulgation were condemned overwhelmingly.

When the calling of the roll was completed, the men mentioned in the resolutions announced their withdrawal from the Reformed Presbyterian Church and asked for a summary of the proceedings of their cases. Their requests were granted.

During the afternoon session the Synod heard the case of A. W. McClurkin, who denied the authority of the Pittsburgh Presbytery to try him. He claimed that the Presbytery had suspended him without evidence of his attendance at the East End Meeting, and that one of the six men in attendance had testified that he had had no part in framing the Platform. The case occupied the attention of the Court during the entire afternoon, when the matter was disposed of by the adoption of the following resolution:

142 Ibid., pp. 249-250.

143 Ibid., p. 250.

"In the case of the declinature and complaint of the Rev. A. W. McClurkin, we find no reason for sustaining the declinature and complaint, but inasmuch as he claims to be able to disprove the evidence upon which the Presbytery made its decision, we order that the matter be returned to the Pittsburgh Presbytery, and that they be directed to re-open the case."<sup>144</sup> The suspension of A. W. McClurkin was removed until the case could be heard by the Pittsburgh Presbytery. He soon left the Church, however, and united with the United Presbyterian Church. <sup>145</sup>

These historic proceedings took place on June 10, 1891. A critical crisis in the history of the Church had arisen, but her purity had been preserved by men who were devoted to her cause and who dared to suffer the criticism of the world in loyalty to their Master. This Church, we believe, was brought into existence by God to bear witness to the Kingship of His Son. When the Reformed Presbyterian Church ceases to bear this witness, she has approved her death. The road just ahead was not a smooth one; the loss to the Church of seven enthusiastic, talented, young ministers was of no little consequence. But in spite of the disappointments and heartaches incurred, the controversy of 1891 was not fought in vain, for since that trial there has arisen no question in the Church as to her position in respect to political dissent. Today that agreement continues to exist. Peace returned to the Church in 1891 and with it came a renewed determination to hold forever before the nations of the world the everlasting truth that "Christ is

144 Ibid., p. 251.

145 Thompson, Sketches of the Ministers of the Reformed Presbyterian Church, p. 191.

King of kings and Lord of lords."

### III

#### REASONS FOR REFUSAL TO EXERCISE THE FRANCHISE

The Reformed Presbyterian Church's reason for embracing the principle of the Headship of Christ in regard to civil relations has been indicated in the preceding pages. The reasons for the Church's refusal to exercise the franchise as a result of her belief in this principle will be pointed out briefly here. Persons using the franchise should have legitimate reasons for doing so; likewise, persons rejecting this right should have ample grounds for their action. In spite of the fact that much criticism has been brought against the members of this Church because of their thinking in regard to voting, the Church has legitimate reasons for her decision.

It is not because of indifference on the part of her members that this decision has been brought about. Throughout the Church's history her members have been interested deeply in the moral, political, and economical issues of our Nation as well as in the leaders whose part it was to carry out these issues. In addition, her members have prayed earnestly through the years for the progress and advancement of the Nation and for divine guidance and for wisdom for her leaders; they have been willing contributors to the work of reform; they have contended continually and persistently for better government.

Furthermore, the members of this Church have been accused of lack of patriotism. History does not indicate any disloyalty

on the part of her members. Many brave Covenanters fought and died in the Civil War. Glasgow writes in his History of the Reformed Presbyterian Church: "Covenanters regarded the government justifiable in the war so far as it was waged to maintain the integrity of the country and to overthrow the iniquitous system of human slavery. Taking this position the members of the Church generously supported the cause of the Union with their substance and their lives. There was not a rebel within the pale of this Church."<sup>146</sup> In like manner, the members of the Covenanter Church heard the call of their country in 1917 and did their utmost to further the cause of democracy. The authentic records of the Church's participation in the World War were gathered and preserved in a small volume by John W. Pritchard to "show the part which the Covenanter Church took in the great war of 1914-1918 to defend Christian liberty and democracy."<sup>147</sup> The preface of this book records the fact that "seven and one-half per cent of the entire membership of the American Covenanter Church were enrolled in the various departments of military service, a percentage probably greater than that of any other denomination."<sup>148</sup> The members of this Church were willing to sacrifice their lives because of loyalty to their country. To become a soldier one is asked to swear loyalty to one's country, and that requirement a Covenanter is always eager to fulfill. But a Covenanter's conception of loyalty to Christ will not permit him to cast the

146 Glasgow, History of the Reformed Presbyterian Church in America, p. 128.

147 Pritchard, Soldiers of the Church, p. 5.

148 Ibid., p. 5.

ballot, since to vote at an election one is required to swear allegiance to a constitution of civil government that does not recognize the existence of God, the authority of Christ over the Nation, or any obligation to obey His moral law.

Again, it is not because we deny this Government rightful authority that we refuse the right of franchise. We have pointed out in a previous chapter that we believe in the authority of government, but that our chief objection to our Government is that it is defective in some respects. As members of this Church we obey the laws of the land, not because we are forced to do so, but because we respect its authority over every citizen dwelling within its borders.

Neither do Covenanters remain away from the polls because of the character of the laws of the Government. There are many of the laws which are not in accord with the laws of God, but the great majority of them are just and righteous.

On the other hand, the Church has definite reasons for not using the right to vote. In the first place, every Christian is obligated to take the law of Christ with him into every sphere of life, which he cannot do when he votes under a constitution which does not recognize Him. Paul charged the elders of the Church of Ephesus, whom he met at Miletus, to care for the flock, for, said the Apostle: "He hath purchased (the flock or the church of God) with his own blood."<sup>149</sup> The Christians in Corinth were reminded that they belonged to Christ when Paul said to them: "Ye are Christ's; and Christ

<sup>149</sup> Acts 20:28.

is God's."<sup>150</sup> In other words, we belong to the Lord Jesus Christ. He is, therefore, king in every sphere of life. It follows that a man's relational life must be under Christ's control. In whatever relation we act, wherever we go, whatever we do, we still belong to Him. This relationship must be carried into the sphere of politics as well as into every other sphere of life. The Government of the United States is a representative one. Each man has a part in the selection of officials who make the laws of the country. That is to say, a certain responsibility rests upon an individual in selecting the man who is to represent him in the government. The people, therefore, are the rulers, and the responsibility rests upon them. The authoritative standard in our Government is the Constitution. It is the supreme law, the basis of government. The standard of our Government is not the moral sentiment that prevails among the people, nor is it the many Christian institutions of the Nation, nor the great body of laws, nor the political platforms upon which men run for office; the standard of our Government is the Constitution. When a man takes the oath of office, he swears to uphold the Constitution, and not to uphold any of these other institutions. The man who takes this oath is acting for the individuals who elected him.

And yet, as it has been shown previously, this instrument of government has no recognition of Him whose we are and "who purchased us with his own blood." If God has given the Mediator all authority in heaven and in earth; if Jesus is

150 I Corinthians 3:23.



the rightful king over all men and of all proper institutions; and if a constitution is a nation's profession of faith; if that instrument is a great object lesson held constantly before the people; if it is the highest source of legislation; then it should distinctly acknowledge the authority of the Lord Jesus Christ. Jesus said, "He that honoureth not the Son honoureth not the Father which hath sent him."<sup>151</sup> We cannot properly exercise authority under Christ without recognizing the source of this authority.

Secondly, a constitution settles moral as well as economic questions. There are questions of temperance, divorce, the cessation of business and pleasure on the Lord's Day, and many other vital questions that call for action upon the part of these elected officials. For the settlement of such pre-eminently important problems there should be in the written fundamental law of the land a moral basis, founded on the teachings of Christ.

Now let this reasoning be applied to the man who exercises the right of the franchise. First of all, he accepts the Constitution of the United States. The proof of this acceptance is found in article six, paragraph three, of the Constitution, which reads: "The senators and representatives before mentioned, and the members of the several State Legislatures, and all executive and judicial officers, both of the United States and of the several States, shall be bound by oath or affirmation to support this Constitution."<sup>152</sup> The candidate

<sup>151</sup> John 5:23.

<sup>152</sup> See Appendix.V, Article VI, Clause 3, p. 321.

for whom one votes must qualify for office by swearing or affirming that he will support this instrument. He takes his oath as a representative of persons who voted for him. He becomes the voter's agent, his representative. What the voter sends the man to do, he actually does himself. This is a principle of law, a principle of business, a principle of religion, a conclusion of common sense. When one votes he accepts the Constitution of the United States.

Again, every man who votes accepts the Constitution of the United States as his supreme political law. The Constitution says: "This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land."<sup>153</sup> The Constitution is the expressed will of the people of the United States setting forth the way in which they are to be governed. And it is supreme. No other or higher law is recognized. The statute laws of the United States must be made in pursuance of this supreme law. All treaties are to be made under its authority. Every man who votes, therefore, sends his representative to swear or affirm that he will support this law as supreme. The man who approaches the ballot box should understand this fact.

Furthermore, the Christian knows that the Lord Jesus Christ is the supreme ruler of every consistent Christian. He knows that Jesus said, "All power is given unto me in heaven and in earth."<sup>154</sup> He knows that "His kingdom ruleth

<sup>153</sup> See Appendix.V, Article VI, Clause 2, p. 321.

<sup>154</sup> Matthew 28:18.

over all,"<sup>155</sup> that "He is the governor among the nations,"<sup>156</sup> that He is "King of kings, and Lord of lords,"<sup>157</sup> that "all kings shall fall down before him: all nations shall serve him,"<sup>158</sup> and that His will is to be done on the earth as it is done in heaven.<sup>159</sup> As he solemnly enters the voting booth, he is cognizant of these truths.

Besides, the voter knows that the Constitution of the United States does not accept the law and authority of the Lord Jesus Christ. The Constitution says: "But no religious test shall ever be required as a qualification to any office or public trust under the United States."<sup>160</sup> Any recognition of God, of Christ, or of the Bible in the Constitution would be a religious test to any one required to swear or to affirm that he would support it. But a religious test is forbidden, therefore there can be no religion in the Constitution or it would contradict itself. The first Congress, which met in 1789, was sworn in with an oath containing an appeal to God. The first act of this first Congress was to amend the oath, leaving out the appeal to God to make it conform to the Constitution.

It follows, therefore, that a Christian cannot consistently swear or affirm that he will support the Constitution until the Constitution accepts the Lord Jesus Christ. As a voter goes into the ballot box, he should take these facts

155 Psalm 103:19.  
156 Psalm 22:28.  
157 Revelation 19:16.

158 Psalm 72:11.  
159 Matthew 6:10.  
160 See Appendix. V, Article VI, Clause 3, p. 321.

with him. The members of the Reformed Presbyterian Church feel that they cannot put the will of the Constitution and of the Congress above the will of God. Because of this defection in the Constitution, the Covenanter refuses to exercise the franchise and will continue to do so until a Christian amendment is incorporated in it. If every Christian would decline to swear to support the Constitution until it recognizes the Lord Jesus Christ, the instrument would be corrected undoubtedly. Then, a new day would dawn for our Nation. God's promises were not made in vain, for He has said, "Blessed is the nation whose God is the Lord."<sup>161</sup> The Reformed Presbyterian Church does not feel that her efforts are useless, for did not the Psalmist likewise look forward to the day when "All nations whom thou hast made shall come and worship before thee, O Lord; and shall glorify thy name?"<sup>162</sup>

161 Psalm 33:12.

162 Psalm 86:9.

## CHAPTER V

### REFUSAL TO TAKE AN IMMORAL OATH

- I. The Oath Defined
- II. The Form of Our Governmental Oath
- III. The Elector's Relationship to the Oath of Office
- IV. Testimony of the Reformed Presbyterian Church  
Regarding the Oath of Office
- V. Testimony Without the Church Regarding the  
Oath of Office

## CHAPTER V

### REFUSAL TO TAKE AN IMMORAL OATH

It has been shown in the preceding chapter that the Reformed Presbyterian Church holds the principle of political dissent. Mention was made in that chapter of the oath which is required of all persons before they assume an official position in the Government. It will be the purpose of this chapter to indicate reasons for a Covenanter's refusal to take an oath to support a government which denies the rights of God and of His law.

#### I

#### THE OATH DEFINED

In the beginning, it will be necessary to understand clearly the meaning of an oath. Charles Hodge defines oaths in this manner: "Oaths are of two kinds, assertatory, when we affirm a thing to be true; and promissory, when we bring ourselves under an obligation to do, or to forbear doing certain acts. To this class belong official oaths and oaths of allegiance. In both cases there is an appeal to God as a witness. An oath, therefore, is in its nature an act of worship."<sup>1</sup>

The Word of God is explicit in the matter of taking an oath. In it we read: "Thou shalt fear the Lord thy God, and serve him, and shalt swear by his name."<sup>2</sup> Again we read: "He that sweareth in the earth shall swear by the God of truth."<sup>3</sup>

1 Hodge, Systematic Theology, III, p. 307.

2 Deuteronomy 6:13.

3 Isaiah 65:16.

Our Lord also, when put on oath by the high priest, did not hesitate to answer. When the two false witnesses had testified against Him, Jesus kept silent. Then, the high priest arose and said unto Him: "Answerest thou nothing? what is it which these witness against thee?"<sup>4</sup> When Jesus held his peace the second time, the high priest put Him on His oath by saying: "I adjure thee (i.e., call upon thee to swear) by the living God, that thou tell us whether thou be the Christ, the Son of God." Inasmuch as he was then on His oath, He answered the high priest: "Thou hast said: nevertheless I say unto you, Hereafter shall ye see the Son of man sitting on the right hand of power, and coming in the clouds of heaven."<sup>5</sup> Meyer in his comment on this passage says: "The high priest answers this second refusal to speak by repeating a formal oath, in which Jesus is adjured to declare whether He be the Messiah or not.....ἐξορκίζω ) means, like the earlier form ἐξορκώ: I call upon thee to swear. To give an affirmative answer to this formula was to take the full oath usually administered in any court of law."<sup>6</sup> A little further along in his comment he adds: "It was the uniform practice in courts of law to swear by God."<sup>7</sup> Furthermore, God did not permit His people to take an oath in the name of idol gods: "That ye come not among these nations, these that remain among you; neither make mention of the name of their gods, nor cause to swear by them."<sup>8</sup> Jesus

4 Matthew 26:62.

5 Matthew 26:63-64.

6 Meyer, Commentary on the New Testament, Gospel of Matthew, pp. 481-482.

7 Ibid., p. 482.

8 Joshua 23:7.

likewise forbade the taking of oaths in the name of anything created: "Swear not at all; neither by heaven; for it is God's throne: Nor by the earth; for it his footstool: neither by Jerusalem; for it is the city of the great King. Neither shalt thou swear by they head, because thou canst not make one hair white or black. But let your communication be, Yea, yea; Nay, nay: for whatsoever is more than these cometh of evil."<sup>9</sup> The scriptural form of oath is thus clear; it is to be in the name of the ever-living God and must contain a direct appeal to Him. In other words, if an oath is to be an oath in its true and proper sense, it must appeal to God.

## II

### THE FORM OF OUR GOVERNMENTAL OATH

In the light of Scripture let us look at the form of the oath of office of our Government. By it every man accepting an office is bound beforehand in sworn allegiance to the principles laid down in the enacting clause and made articulate in the body of the Constitution. Article VI of the Constitution states that "the senators and representatives before mentioned, and the members of the several State Legislatures, and all executive and judicial officers, both of the United States and of the several States, shall be bound by oath or affirmation to support this Constitution."<sup>10</sup> It will be granted readily that this oath which all officers are obliged to take is one similar to the oath administered to the President by the Chief Justice of the Supreme Court. This latter oath is accurately worded

<sup>9</sup> Matthew 5:34-36.

<sup>10</sup> See Appendix. V, Article Vi, Clause 3, p. 321.



and explicitly prescribed in the Constitution itself. The Constitution directs that the President shall take the following oath: "I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will, to the best of my ability, preserve, protect, and defend the Constitution of the United States."<sup>11</sup> The meaning of the term "support", therefore, may be defined with consummate skill and with perfect clearness in the Presidential oath. To "support" or to uphold the Constitution is exactly to "preserve, protect, and defend" it to the best of one's ability. Dr. William J. McKnight, who represented the Church nationally in the field of reform for many years, declared in an address given at the Christian Citizenship Conference in Pittsburgh, Pennsylvania, in 1902, that "the choice of these three words, so far from being merely a happy coincidence, belongs to a plan that had been weighed in the balances with exquisite nicety, that nothing might be found wanting."<sup>12</sup> That is to say, these words were chosen with the utmost care. Dr. McKnight continued his discussion by pointing out their meaning. He stated that the first word is manifestly the most comprehensive of the three words and may be said to contemplate environments that are perfectly peaceful. To "preserve" means simply to maintain intact and unimpaired, to keep in the same condition, unmolested, without change or alteration. This second word "protect", however, is specific and may be said to contemplate a somewhat unsettled state of affairs. It points to a condition

<sup>11</sup> See Appendix V, Article II, Section I, Clause 8, p. 318.

<sup>12</sup> Report of the Christian Citizenship Conference, 1902, p. 37.

in which the outlook is more or less threatening; that is to say, an attack of some kind is likely to be made. To "protect", accordingly, implies the taking of such steps as may promise to be effectual in preventing the attack of whatsoever sort it may be. The third term, however, presupposes that the attack has at length been made, and that the forces at hand must be called out immediately to meet the enemy. Thus, the third term to "defend" means to take the field for the purpose of vindicating the cause that has been assailed. The wording of the oath, then, is clear in its import, definite in its aim, and comprehensive in its scope. The terms define with clearness the nature of the obligations under which every man that would execute the provisions of the Constitution is placed inevitably. They embody and elucidate the constitutional conception of civil allegiance.

The oath of office, therefore, places persons taking it, whether they take it in person or through representatives, under sworn allegiance to the Constitution of the United States. In other words, it binds such persons, first of all, to "preserve" the whole Constitution to the best of their ability; that is, they are to do their utmost to keep it intact and unimpaired, to keep it in the same condition, unchanged and unmolested. As a result, persons taking the oath of office subscribe to these four principles as fundamental, namely, that the framers of the Constitution were right in substituting human for divine authority, that they were right

in rejecting Christ as King, that they were right in casting aside the Holy Scriptures, and that they were right in arrogating to a written instrument prerogatives that belong to God. In the second place, the oath of office binds persons subscribing to it to "protect" the whole Constitution to the best of their ability. In other words, they must take steps, in case they should be called for, as may prove to be effectual in preventing attack, armed or argumentative, upon the assumptions that in political affairs it is right to substitute human for divine authority, to reject Christ, to dishonor the Bible, and to presume to perform the functions that belong to Almighty God. Lastly, such an oath binds persons taking it to "defend" the whole Constitution to the best of their ability. Such persons must take the field whenever these above mentioned constitutional principles or any one of them may happen to be assailed and vindicate them as best they can, showing that the Constitution has the right to ignore the sovereign authority of God, that it has the right to make no recognition of the Lord Jesus Christ as the "Governor among the Nations", that it has the right to enrobe itself in unacknowledged might and majesty and say like Babylon: "I will be like the Most High", and that it has the right to blot from the supreme law of the land every trace of the Word of God. "For," as Dr. McKnight pointed out in his address, "if the oath means anything, it means unqualified allegiance to all that falls legitimately, at the time of taking it, within its compass."<sup>13</sup>

<sup>13</sup> Report of the Christian Citizenship Conference, 1902, p. 38.

Thus, if language is to be regarded as of any value at all, the oath of office solemnly holds persons subscribing to it to the maintenance of such principles as the Constitution at the time contains. And though all men may, indeed, and many do take the liberty now and then to speak and even to labor against the principles which they have bound themselves previously by oath to "preserve, protect, and defend", yet it would be unwise, not to say perilous, to teach that such liberty had come to be theirs by virtue of their oath to the contrary. Swearing with uplifted hands to do a thing is hardly the particular act which gives a man the freedom to labor and pray for its undoing. Nor is there any relief in the fact that the Constitution provides for its own amendment, for every man that casts his ballot engages solemnly to the best of his ability to "support" the Constitution just as it is until the amendments, of whatsoever nature they may be, shall have been made. He engages, so long as it remains in its present condition, to "preserve, protect, and defend" it with its groundwork of false and atheistic principles just as they are, at least for the time being. Of course it is plain that persons who, at any given time, swear to "preserve, protect, and defend" the Constitution, as it is, may labor with unchallengeable consistency for the adoption of any amendment which shall be in harmony with and shall promise to give a more perfect expression to the fundamental principles upon which the constitutional structure at the moment in question is standing.

An amendment of such character, it is clear, would be in the essence of it but a step--and in most cases, perhaps, an indispensable step--in the preservation, protection, and defense of the Constitution. These are the terms, then, that were adopted by the founders of this Republic to collect and condense into the smallest intelligible limits the ideas that were designed to constitute the supreme test of action for every citizen that should desire to hold office. They are the terms by which men bind themselves when they become a part of the political life of the Nation.

Thus far, we have been considering the contents of the oath; now, let us consider what it does not contain. First of all, it contains no appeal to God. If an appeal to God is an essential part of the oath, which the Word of God explicitly affirms, our oath of office is not an oath; it is merely a promise. The Constitution, however, indicates it to be an oath, providing an affirmation as an alternative, and we must, therefore, consider it from that aspect.

The omission of the appeal to God from this oath is the more remarkable because it is in violation of the common rule in Colonial practice. This oath, therefore, must have been framed with the deliberate purpose of omitting all recognition of God. The reason for this omission, we find in the "no religious test" clause in the Constitution: "No religious test shall ever be required as a qualification to any office or public trust under the United States."<sup>14</sup> An appeal to God in an oath embodies a test of religion. Such

<sup>14</sup> See Appendix V, Article VI, Clause 3, p. 321.

an appeal, intelligently made, necessarily implies the existence and personality of God, His omniscience, holiness, and justice, with a recognition of His power to punish or reward those who make the appeal. An appeal to God in the constitutional oath would have been in harmony with all past usage and with the present practice of our courts. Furthermore, such a recognition of God might bar at some future time the way to the Presidency of a man who should happen to be an unbeliever. It is true that the Constitution does not forbid a man in taking an oath to make an appeal to God, if he desires to do so, but it does forbid most emphatically that he shall be required to make such an appeal. It opens the way, therefore, to admit to the highest position within the gift of the American people an atheist, notwithstanding the fact that the Word of God is specific in its requirement, "Thou shalt fear the Lord thy God, and serve him, and shalt swear by his name."<sup>15</sup>

### III

#### THE ELECTOR'S RELATIONSHIP TO THE OATH OF OFFICE

The next question to which we must turn our attention is the elector's relationship to the oath of office through his representative. Our Government is not a pure democracy. All the people do not come together, as in a town meeting, to deliberate on and decide questions relating to the public welfare. Certain persons, to whom is accorded the right of suffrage, select one of their number to act for them or to

<sup>15</sup> Deuteronomy 6:13.

represent them. The electors are not compelled to exercise the right of suffrage; they do so of their own free will accepting the conditions required by the Government. William Blackstone, in his Commentaries on the Laws of England, says: "And this power (i.e., legislative power), when the territories of the state are small and its citizens easily known, should be exercised by the people in their aggregate or collective capacity....But this will be highly inconvenient, when the public territory is extended to any considerable degree, and the number of citizens increased....In so large a state as ours, it is therefore very wisely contrived that the people should do that by their representative, which it is impracticable to perform in person."<sup>16</sup> In other words, a representative takes the elector's place; the elector legislates through him, his representative.

As it has been shown, one of the conditions required before a representative can enter upon the duties of his office is that he take an oath of loyalty to the Constitution. He swears to support this instrument. The taking of this oath is not optional; it is obligatory, imposed by the authority of law. The Government requires it as security for the preservation of the Constitution and the maintenance and execution of the established law. The representative takes the oath of office, then, not as a mere personal act, but as representing a constituency. The individuals of this constituency, on account of their number, cannot take part themselves directly

16 Blackstone, Commentaries on the Laws of England, I, pp. 158-159.

in the legislation and so delegate one to act for them. In other words, the representative subscribes to the oath in place of the people whom he represents. He goes with a commission in their name and, as their representative, takes for them, as well as for himself, the prescribed oath on the basis of which he sits, deliberates, and votes. The electors thus bind themselves by the oath which their representative takes and so are equally and morally responsible with him. The voter and the representative, therefore, are equally allied with the Government. Voters casting their ballots for representatives to act for them in governmental affairs formally avow themselves to be a constituent part of the society and give their approval both of the Constitution under which they exercise the right of suffrage and likewise, of their representative swearing to support it. The person who votes for another to represent him in the Government, by that act, acknowledges himself to be bound by the oath of loyalty taken by his representative. The representative takes the formal oath for him.

#### IV

##### TESTIMONY OF THE REFORMED PRESBYTERIAN CHURCH REGARDING THE OATH OF OFFICE

In order to free herself from all complicity in the guilt of this Nation because of her refusal to recognize the claims of God, of His Christ, and of His law, the Reformed Presbyterian Church of North America has maintained a position of dissent throughout her history. By refusing to vote, her



members free themselves from taking an oath to an immoral constitution.

As early as 1806, when the Testimony was adopted by the Reformed Presbytery, this principle was included. The chapter on the Right of Dissent from a Constitution of Civil Government declares that "it is the duty of Christians....to profess allegiance to no constitution of government which is in hostility to the kingdom of Christ, the Head of the Church, and the Prince of the kings of the earth."<sup>17</sup> In the same chapter such beliefs as the following are condemned as erroneous: "That it is lawful to profess or swear allegiance to an immoral constitution of government," and "That the enjoyment of no temporal privilege may be relinquished for the sake of peace or for fear of making a Christian brother to offend."<sup>18</sup> At the same meeting of the Reformed Presbytery an explanation was given regarding the oath. The Court enacted the following resolution: "An oath may be made before the constituted authorities provided such magistrates understand that the person doing so does not recognize thereby his official right to administer it, but the individual makes the oath voluntarily to the Supreme Being."<sup>19</sup> The Testimony explains this resolution in this manner: "Let it be perfectly understood, that the oath is an act of homage, performed voluntarily to the Supreme Being, and by no means a recognition of the magistrate's authority, or an act of communion with him in

17 Reformation Principles, Part II, Chapter XXX, Section 2, p. 242.

18 Ibid., p. 244.

19 Glasgow, History of the Reformed Presbyterian Church in America, pp. 81-82.

his official capacity. If these terms are understood and admitted by the men in power, no charge of inconsistency can be justly preferred against the members of the Church, nor can the conscience of a brother be offended. But if these terms are not admitted by those who call for the oath to be made, Covenanters cannot comply. In such a case, they must prefer suffering to sin."<sup>20</sup>

Later, during the Controversy of 1833 the Synod reaffirmed its attachment to the historic position of the Church in this country by the following resolution: "That as it has always been in the proceedings and history of the Reformed Presbyterian Church, both in the land of our forefathers and in this land, a great and leading object to bear an explicit and practical testimony to the truth respecting civil government as the ordinance of God, and the subjection of the nations to Messiah; so it is utterly inconsistent with our doctrinal standards and judicial acts for any member of this church to sit on juries, to hold office, or to swear allegiance to the Constitution of the United States."<sup>21</sup>

In 1858, the Church again affirmed her thinking on this principle when two committees from the Synod and the General Synod of the Reformed Presbyterian churches met in Allegheny, Pennsylvania, to confer on the subject of union. The committee from the Synod of the Reformed Presbyterian (Covenanter) Church submitted the grounds upon which a union might be

<sup>20</sup> Reformation Principles, Part I, p. 121.

<sup>21</sup> Glasgow, History of the Reformed Presbyterian Church in America, p. 104.

effected. Two statements in the report of this committee concerned the oath: "That dissent from the Constitution requires to abstain from the oath of allegiance, and from oaths of office binding to support the Constitution," and "That it prohibits voting for officers who must be qualified by an oath to support the Constitution."<sup>22</sup> A reunion of these two bodies was not effected, because the General Synod would not accept the position of the Reformed Presbyterian Church.

Again, the Covenant of 1871 set forth the position of the Church concerning the oath. With few exceptions, all the members of the Reformed Presbyterian Church in North America, as well as the ministers, entered into and subscribed to this Covenant in the respective congregations. The Covenant, after stating that God has instituted civil government for His own glory and the good of man, that He has appointed His Son, the Mediator, to headship over the nations, and that the Bible is the supreme law and rule in all national affairs, reads as follows: "We take ourselves sacredly bound to regulate all our civil relations, attachments, professions, and deportment, by our allegiance and loyalty to the Lord, our King, Lawgiver, and Judge; and by this, our oath, we are pledged to promote the interests of public order and justice, to support cheerfully whatever is for the good of the commonwealth in which we dwell, and to pursue this object in all things not forbidden by the law of God, or inconsistent with public dissent from

<sup>22</sup> Ibid., p. 122.

an unscriptural and immoral civil power. We will pray and labor for the peace and welfare of our country, and for its reformation by a constitutional recognition of God as the source of all power, of Jesus Christ as the Ruler of Nations, of the Holy Scriptures as the supreme rule, and of the true Christian religion; and we will continue to refuse to incorporate by any act, with the political body, until this blessed reformation has been secured."<sup>23</sup> In swearing to this Covenant of 1871, the Reformed Presbyterian Church again set forth her belief in refusing to "incorporate by any act, with the political body, until this blessed reformation (by a constitutional amendment) has been secured."

In like manner, in 1887, the Synod of the Reformed Presbyterian Church renewed her stand on this position. The second item of the Report of the Committee on National Reform, which was adopted by the Synod, reads: "We will maintain our position of political dissent in refusing to exercise the elective franchise to put into office men who are bound by their official oath to support the constitution of the United States; and we will become responsible for the official conduct of rulers, by our suffrage, only when they become responsible to Christ by their official oath."<sup>24</sup>

As recent as 1929 the Church again affirmed her position when she issued a warning concerning the taking of an official oath, at which time a committee was appointed to draw up a modified oath which could be taken consistently by a member

<sup>23</sup> Ibid., pp. 140-141.

<sup>24</sup> Reformed Presbyterian and Covenanter, XXV, July 1887, p. 216.

of the Covenanter Church. The following form was adopted by Synod: "I, \_\_\_\_\_, do solemnly swear to maintain, support, and defend the Constitution of the United States and the Constitution of the State of \_\_\_\_\_, and all laws made in pursuance thereof, so far as these constitutions and laws are in accord with the moral law of Jesus Christ. So help me God."<sup>25</sup> Missionaries and travelers obtaining passports to foreign lands have sworn to this modified oath or to one somewhat similar to it, and it has been accepted, for the most part, by officials issuing passports. Such a modified oath, however, has been refused; Douglass Clyde Macintosh suffered a refusal a few years ago.

## V

TESTIMONY WITHOUT THE CHURCH REGARDING  
THE OATH OF OFFICE

The refusal of the United States Supreme Court to grant citizenship to Dr. Macintosh aroused the interest of Christian people throughout the Nation.<sup>26</sup> Professor Macintosh was born in Canada. He was educated in the McMaster University of Toronto and in the University of Chicago. After teaching in Canada for a number of years, he came to the United States to accept a position in the Yale Divinity School. In 1925, he applied for citizenship. His petition for naturalization was presented to the Federal District Court of Connecticut, and that Court, after hearing the discussion denied citizenship

25 Minutes of Synod of the Reformed Presbyterian Church, 1929, p. 95.

26 United States Supreme Court Records, Book 75, pp. 1302-1319.

to Dr. Macintosh upon the ground "that, since the petitioner would not promise in advance to bear arms in defense of the United States unless he believed the war to be morally justified, he was not attached to the principles of the Constitution."<sup>27</sup> The record continues by stating the necessary steps required in order to receive citizenship, one of which is that "he shall, before he is admitted to citizenship, declare on oath in open court that....he will support and defend the Constitution and laws of the United States against all enemies, foreign or domestic, and bear true faith and allegiance to the same."<sup>28</sup> The case was then carried to the Supreme Court of the United States.

Justice Sutherland, who delivered the opinion of the Supreme Court, traced certain cases that had been presented previously to the Supreme Court of the United States. Then, he took up the particular questions to be answered by an applicant. The twentieth question inquires whether or not the applicant has read the oath of allegiance, and whether or not he is willing to take the oath in order to become a citizen. Dr. Macintosh answered this question by declaring his willingness to take the oath only under certain conditions. These conditions had to do with the twenty-second question: "If necessary, are you willing to take up arms in defense of this country?"<sup>29</sup> In answer to this question, Dr. Macintosh replied, "Yes; but I should want to be free to judge of the necessity."<sup>30</sup> The Court asked him to amplify his position.

<sup>27</sup> Ibid., p. 1304.

<sup>28</sup> Ibid., p. 1305.

<sup>29</sup> Ibid., p. 1307.

<sup>30</sup> Ibid., p. 1307.

He did so by saying that he was not a pacifist; that if allowed to interpret the oath for himself, he would interpret it as not inconsistent with his position and would take it. He assured the Court that he was ready to give to the United States all the allegiance he ever had given or ever could give to any country, but he could not put allegiance to the government of any country before his allegiance to the will of God. "The position thus taken," he went on to say, "was the only one he could take consistently with his moral principles and with what he understood to be the moral principles of Christianity."<sup>31</sup> Justice Sutherland answered him: "When he speaks of putting his allegiance to the will of God above his allegiance to the government, it is evident, in the light of his entire statement, that he means to make his own interpretation of the will of God the decisive test which shall conclude the government and stay its hand. We are a Christian people, according to one another the equal right of religious freedom, and acknowledging with reverence the duty of obedience to the will of God. But, also, we are a nation with the duty to survive; a nation whose Constitution contemplates war as well as peace; whose government must go forward upon the assumption, and safely can proceed upon no other, that unqualified allegiance to the nation and submission and obedience to the laws of the land, as well as those made for war as those made for peace, are not inconsistent with

31 Ibid., p. 1307.

the will of God....The applicant's attitude, in effect, is a refusal to take the oath of allegiance except in an altered form.....

"It is not within the province of the courts to make bargains with those who seek naturalization. They must accept the grant and take the oath in accordance with the terms fixed by law, or forego the privilege of citizenship."<sup>32</sup> On this ground the Court denied Dr. Macintosh the right of citizenship. In other words, according to the view of the Supreme Court itself, the Constitution recognizes no Higher Law. The Court declared that "we are a Christian people," but it was not able to say that we had a Christian Constitution. For, if our Constitution were Christian, the will of God would be recognized in the written document above the will of man. It seems to me that the Court presented in this decision a good reason for adopting a Christian amendment.

In view of this decision by the Supreme Court, which states that a modified oath is not constitutional, the Synod of the Reformed Presbyterian Church, in 1932, appointed a committee to study the situation and report a possible plan of procedure regarding an amendment.<sup>33</sup> This committee reported a year later that an effort was being made by certain members of the Church to bring a case before the Supreme Court.<sup>34</sup> The desire of the Church is to obtain an interpretation of the oath in accord with the Reformed Presbyterian

<sup>32</sup> Ibid., pp. 1310-1311.

<sup>33</sup> Minutes of Synod of the Reformed Presbyterian Church, 1932, p. 14.

<sup>34</sup> Ibid., 1933, p. 42.



principle. The committee has continued to work for this achievement, but due to the many difficulties in getting a case before the highest Court of the Nation, little progress has been accomplished. Later, in its report to the Synod of 1938, the committee expressed the importance of the undertaking: "It is the conviction of your committee that the undertaking assigned to them is of great importance not only to our own Church but to the cause of religious liberty. That the present is a most opportune time for pressing it to a conclusion."<sup>35</sup> The Church eagerly awaits the outcome of the efforts of this committee. Meanwhile, the Church continues to uphold this position adopted in 1806, believing that to "preserve, protect, and defend" a constitution which does not put allegiance to God before allegiance to man, is disloyalty to God.

35 Minutes of Synod, 1938, p. 112.

CHAPTER VI

REFUSAL TO SERVE ON JURIES

- I. Arguments Against Serving on Juries
- II. The Testimony of the Church

## CHAPTER VI

### REFUSAL TO SERVE ON JURIES

In the preceding chapters we have discussed two important principles of the Reformed Presbyterian Church; first, her refusal to vote, because to do so would mean the incorporation of her members with an immoral government; second, her refusal to take an oath to support a government which denies the rights of God and His law. It will be the purpose of this chapter to discuss a third principle of the Church, namely, our dissent from jury service.

From her very beginning our Church has not only dissented from the privileges of voting and of taking governmental oaths, but she has refused also from her earliest existence the right of her members to serve on juries. As early as 1806, an act was passed by the Reformed Presbytery, the highest judicatory of the Church, respecting her members' participation as jurors in courts of law. The resolution which was adopted stated that "sitting on juries in the civil courts of the United States, or in any State, is inconsistent with the Testimony."<sup>1</sup> By this law, which has never been repealed, every member of the Church was bound. Under the present constitution of the Church every member binds himself to obey this principle when he assents to the terms of communion in his admission to her membership and to her peculiar privileges. It is not our purpose in this chapter to present arguments indicating

<sup>1</sup> Glasgow, History of the Reformed Presbyterian Church in America, p. 81.

that moral evils are interwoven with the Constitution and the laws of the United States, since such arguments have been pointed out already. The present discussion is designed to show that a person serving on a jury must recognize an immoral institution against which the Church lifts her testimony.

# I

## ARGUMENTS AGAINST SERVING ON JURIES

A juror is sworn to make his decision in accordance with the law of the land. In some cases a juror is sworn to "render an impartial verdict according to law and evidence;" in other cases, "according to the evidence," without any express mention of the law.<sup>2</sup> But in both cases the juror is sworn to the law. Indeed, if we were to say that the verdict was not to be rendered according to law, we would be saying that the jury would supersede the legislature, and the court would no longer be a court of law; for, it would have legislative powers as well as judicial powers. That is to say, the court would have power to make, alter, and suspend law, as well as power to try the offenders. When a judge delivers his charge to a jury, he expounds the law as well as summarizes the evidence.

There are many objections to swearing an oath to support the laws of our Nation. In the first place, when we take such an oath, we pledge ourselves to a system which excludes

2 Corpus Juris, XXXV, p. 143. See also Davis, United States Reports, Vol. 174, p. 34. (Capital Traction Company versus Hof).

the Bible from the place of supreme law, since the Constitution, as it has been pointed out, declares that it is itself the supreme law: "This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, any thing in the Constitution or laws of any State to the contrary notwithstanding."<sup>3</sup> This section effectually overrules any provision in any state constitution reserving a place for God's law in the jurisprudence of the state. A juror thereby submits himself to this broad, sweeping, and exclusive clause of the fundamental law of the Nation, when he swears to abide by the laws of the land and when he takes his oath to do so.

In the second place, a juror does not know beforehand what law may have a bearing upon the adjudication of the case in question. Let us suppose that in a certain state lotteries are legal and that an individual in that state sues another individual for a debt that has been contracted for lottery tickets. The juror must sanction this evil transaction, even though he may disapprove of it, because at the beginning of the trial, he had been obliged to take the oath of loyalty to his state law.

Again, let me illustrate. Before the Civil War our Constitution required that fugitive slaves be surrendered to their pretended owners, in order that they might be dragged

<sup>3</sup> See Appendix V, Article VI, Clause 2, p. 321.

back to an unjust and cruel bondage. The Constitution of the United States said then: "No person held to service or labor in one State, under the laws thereof, escaping into another, shall in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due." <sup>4</sup> Many cases have been recorded where suits were instituted against persons violating this law in the days before and during the Civil War. The juror called upon to decide the case in question was sworn to decide by the law of the land, even though he believed that the slaves should have been liberated from their unjust bondage.

Let us consider another illustration in connection with our divers divorce laws. Since there is no federal law on divorce, the whole burden of divorce laws falls upon the various states, and each state has its own laws on this question. Some states permit a divorce case to be tried by a jury.<sup>5</sup> Let us suppose that in a state which permits a trial by jury and which also permits a divorce on other grounds than the ones sanctioned by the Word of God,<sup>6</sup> a Christian were called upon to act as a member of the jury. Beforehand he would not know what sort of a case he would be called upon to judge. However, he must take an oath to abide by the law of the land, and in this particular case, he pledges himself to

4 See Appendix V, Article IV, Section II, Clause 3, p. 320.

5 Corpus Juris, XIX, p. 151.

6 The Reformed Presbyterian Church believes that there are two biblical reasons for divorce: "Adultery and wilful desertion." Reformation Principles, Part II, Chapter XXVIII, Section 7, p. 234.

the law of the state in which he resides. He must, therefore, render a verdict in accordance with the law of his state. A Christian should guard against placing himself in such a dilemma. For instance, he might be forced to consent to a verdict which would break a marriage bond for such reasons as incompatibility, mental or physical cruelty, or perhaps drunkenness. No follower of Christ should place himself in such a position where he would be called upon to countenance grounds for divorce other than those found in God's Word.

In the third place, a juror becomes a judicial officer; he is an essential and indispensable part of a court set up and authorized by the Nation in its organic character to judge according to constitutional law. That is to say, in all cases where the trial is by jury, the jury is a constituent part of the court. Without a juror, the court is not legally constituted, so as to be in readiness for the performance of its most important judicial functions. A court cannot be constituted without a jury, any more than it can be constituted without a judge. That the office of the juror is not precisely the same as that of the bench does not affect the validity of the argument, for a jury renders a verdict as well as the judge in applying the law, and this action is of a judicial nature. In other words, it is not possible to separate the jury from the court. Is it not true that in a trial a decisive step is not taken until the members of the jury are sworn? Is not the entire evidence heard before them? Are not the pleadings addressed to them? Is

not the verdict rendered by them? Furthermore, the Constitution of the United States definitely affirms that the court is a distinct branch of the Government, for the third article explains the judicial power: "The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish."<sup>7</sup> Since, then, the court is a branch of the Government, and the juror is a part of the court, it follows that the juror identifies himself with the Government as engaged in the administration of its laws. It is evident, therefore, that one who does not refuse allegiance to the whole system becomes involved with it as actually as to form a part of its administration. If a member of the Reformed Presbyterian Church were to serve as a member of a jury, he or she would be recognizing an immoral government and thus would be repudiating the testimony of the Church.

In the fourth place, a juror gives his approval to the Constitution and to the laws of the Government. It is true that the juror's oath is not formally an oath of allegiance. But the man who goes to the polls is not required to swear an oath of allegiance. He may be entirely ignorant of the Constitution; he may not have read it; and yet, he is a qualified voter. Nevertheless, he becomes a part of the system in that his representative acts for him in governmental affairs. The juror, in spite of the fact that he has not taken an oath of allegiance to the Constitution, nevertheless becomes a part of its judicial branch and thus gives his

<sup>7</sup> See Appendix V, Article III, Section I, p. 319.



approval to the system. The oath that is administered by the court requires the juror to say whether or not, under the evidence, the law as laid down by the court has been violated. In expounding the law, the judge is sworn to do so according to the laws of the land. The Constitution says that it is the supreme law of the land. The juror, therefore, comes to his decision in accord with that supreme law, whether it be moral or immoral. It is true that the juror may refuse to convict and thus defy the court, but he cannot do so consistently after he has taken his oath as a jurymen, for he has sworn to "render an impartial verdict according to law and evidence." It is evident, then, that the juror must give his approval to the Constitution and to the law of the Government.

If members of the Reformed Presbyterian Church were to serve on juries, the public might accuse them rightfully of abandoning their testimony, since a juror is viewed as one who approves the civil institutions of the land and as one who is ready to carry the laws of the Nation into effect in their true spirit. Members of this Church to be true and faithful witnesses of the Kingship of Christ over the nations must not yield, even apparently, any of the claims of their Covenant Head and King. We would yield this claim by connecting ourselves with the constituted order of society as the juror does, when in the jury-box he administers the laws of our Nation under our Constitution. The Reformed Presbyterian Church has pledged loyalty to her testimony in every sphere

of life, which leads to the discussion of the testimony of the Church in respect to serving on juries.

## II

### THE TESTIMONY OF THE CHURCH

The Reformed Presbyterian Church of North America has held consistently through the years that her members should not act as jurors. As it was pointed out previously in this chapter, her testimony on this matter was heard as early as 1806 at which time she not only opposed jury service but recorded her disapproval of it in her Testimony in these words: "The Reformed Presbytery declare this practice inconsistent with their Testimony, and warn Church members against serving on juries under the direction of the constituted courts of law."<sup>8</sup> In another part of the Testimony this statement is recorded also, "The act of Presbytery respecting serving on juries is absolutely prohibitory."<sup>9</sup> Later, in 1821, the Church again testified as to her position when the Synod received a paper from James Willson of Illinois asking for information "with respect to the law of the Church in civil affairs, and especially on the subject of sitting on juries."<sup>10</sup> A resolution was adopted that "no connection with the laws, the offices, or the order of the State is prohibited by the Church, except what truly involves immorality."<sup>11</sup> This action was frequently used as an excuse and as an apology

<sup>8</sup> Reformation Principles, Part I, p. 123.

<sup>9</sup> Ibid., p. 121.

<sup>10</sup> Glasgow, History of the Reformed Presbyterian Church in America, p. 84.

<sup>11</sup> Ibid., pp. 84-85.

by persons desiring to take their place in the jury-box. In order that the members of the Church might have a clear and definite understanding on this point, the Synod of 1825 gave this deliverance: "Resolved, that this Synod never understood any Act of theirs, relative to their members sitting on juries, as contravening the old common law of our church on that subject."<sup>12</sup> As it has been noted, there was a disposition, a little later, on the part of some of the members of the Synod to change the position of the Church in respect to dissenting from the Government. These members, as you remember, were among those who abandoned this principle outright in 1833. It was then that the Church again affirmed her position regarding the juror in these words: "It is utterly inconsistent with our doctrinal standards and judicial acts for any member of this church to sit on juries."<sup>13</sup>

One of the points of difference in the conference of 1858 between the Synod and the General Synod of the Reformed Presbyterian churches in the matter of union concerned the juror. The committee appointed by the Reformed Presbyterian (Covenanter) Church to make a decision on this matter agreed to present to the delegates from the General Synod the proposition that our Church "prohibits sitting on juries, as explained by our Testimony, understanding that such juries do not include various other juries, where there is neither an incorporation with the government, an oath to an immoral

<sup>12</sup> Extracts from the Minutes of Synod, 1825, p. 150.

<sup>13</sup> Glasgow, History of the Reformed Presbyterian Church in America, p. 104.

law, nor any implied engagement to support the Constitution."<sup>14</sup>

Again, in 1861, the question of serving on juries was fully discussed by the Synod. A new deliverance was requested by the Philadelphia Presbytery on the ground that the relation of the juror had undergone a change. The oath had been modified to some extent, the Presbytery thought, and thereby it had been divested of its sinful character. After careful consideration the Synod voted with only one negative<sup>15</sup> that "there is no ground or warrant in the state of facts presented above for any alteration in the act of this Church respecting sitting on juries."<sup>16</sup>

The jury question was revived again in 1868. An article appeared in the Reformed Presbyterian and Covenanter contesting the position of the Church in regard to this position.<sup>17</sup> The author, who signed his name, "Omega", endeavored to show that a juror does not give his approval to the Government under which he acts, that he does not give his approval to the constitution and to the laws of the Government, that he does not serve in a judicial capacity, and that he does not execute an immoral law. The editor of the paper, Thomas Sproull, replied to this article in the April issue of 1868.<sup>18</sup> He pointed out the position of the Church in regard to the question by refuting each argument that was made by "Omega". In closing he said: "A careful examination of the whole subject strengthens the conviction, that fidelity to the

<sup>14</sup> Ibid., pp. 122-123.

<sup>15</sup> Reformed Presbyterian and Covenanter, XV, January 1877, p. 19.

<sup>16</sup> Reformed Presbyterian, XXV, Minutes of Synod, July 1861, p. 243.

<sup>17</sup> Reformed Presbyterian and Covenanter, VI, March 1868, pp. 68-72.

<sup>18</sup> Ibid., April 1868, pp. 97-101.

testimony of Christ requires us to maintain our whole position as settled by the church at her first organization in this country.....

"A judge, eminent alike for his Christian character, and his legal ability has been consulted in regard to the relation of the juror to the government and the law, the two main points on which 'Omega' bases his argument. He states that allegiance to the government is implied in sitting on a jury; and that though aliens may sometimes have acted as jurors, yet they cannot be compelled, and the fact of being an alien is a sufficient ground for challenge. On the other point, the application of the law as laid down by the judge to the facts, he pronounces it absurd to say that the jury can try the facts brought out in the testimony by any other law."<sup>19</sup>

The subject came before the Synod of 1868, and the article by "Omega" was condemned by the following resolution: "In so far as the article in question is an argument in justification of sitting on juries, Synod utterly condemns the same. Synod commends to our people the importance and duty of a tenacious adherence to this, as well as every other part of our covenanted practice."<sup>20</sup> Once again the Church declared that serving on juries is prohibitory.

In the year 1888, the Synod took the following action: "Resolved that this Church recognizes but one supreme law in

19 Ibid., April 1868, pp. 100-101.

20 Ibid., July 1868, Minutes of Synod, p. 207.

civil and in ecclesiastical courts and this is God's revealed word. If any of our members be summoned to serve on juries, it shall be the duty of such member to state in open court his determination to make God's law as we understand it the basis of all decisions involving moral considerations and that he shall take the juror's oath, such oath being otherwise unobjectionable, only on this condition being definitely accepted by the court. In such cases there shall no censure be visited on a member sitting on a jury. Since the court in accepting him on this condition has so far as he is concerned, accepted God's law as the basis of judicial action.

"In case any member acts as a juror, he may be required, by the session of the congregation to which he belongs, to furnish proof that he has complied with the conditions laid down above."<sup>21</sup>

The last action of the Synod of the Reformed Presbyterian Church on this matter was in 1927. Dr. R. J. G. McKnight, President of the Reformed Presbyterian Theological Seminary, offered the following resolution at the Synod of 1926: "Resolved that it is the judgment of Synod that serving on juries where no oath to the Constitution is required is not contrary to the position of Political Dissent."<sup>22</sup> This resolution was referred to a special committee; Professor McKnight served as its chairman. After careful consideration by the committee

21 Reformed Presbyterian and Covenanter, XXVI, July 1888, Minutes of Synod, p. 283.

22 Minutes of the Synod of the Reformed Presbyterian Church in North America, June 1926, p. 9.

it was decided to recommend to Synod that "special study and careful research should precede any deliverance of Synod on this subject."<sup>23</sup> The committee, therefore, recommended that a second committee be appointed to study the question and to present to Synod information obtained through investigation at the next meeting. Meanwhile, the committee urged "that, while serving on juries under certain circumstances may not involve incorporation with the body politic, we urge our members to continued loyalty to their covenant obligations."<sup>24</sup> The Synod appointed a committee consisting of R. J. G. McKnight, R. C. Wylie, J. B. Tweed, W. J. Sterrett, and J. S. Tibby to study further the position of the Church in regard to her members' participation in the serving on a jury.<sup>25</sup> In 1927, this committee submitted its report to the Synod; it was unanimously adopted.<sup>26</sup> The first part of the report records the resolution that had been offered to the previous Synod. Further on the report indicates that a careful study of the previous decisions of Synod concerning the jury question had been made, and that the arguments offered to support the conclusions reached had been pondered. It points out that the position of "the Synod, consistently maintained throughout our history in this country, is the one expressed in the historical part of the Testimony, Book II, chapter III: 'The Reformed Presbytery declare this practice, serving on juries, inconsistent with their testimony, and warn church members

23 Ibid., p. 80.

24 Minutes of Synod, June 1926, p. 80.

25 Ibid., p. 94

26 Minutes of Synod, June 1927, pp. 94-95.

against serving on juries under the direction of the constituted courts of law.' "27 The report continues by presenting the arguments by which this position has been sustained by the Church. The first argument refers to the Covenant of 1871. "By our Covenant." reads the report, "we are bound to 'continue to refuse to incorporate by any act, with the political body, until this blessed reformation has been secured.' "28 The second argument states that the Church has always contended that jury service is definitely an act of incorporation. As proof for this assertion, the report refers to these lines in the historical part of the Testimony: "Jurors are executive officers created by the constitution, and deriving from it all their power."29 The report declares that Judge McLaughry of Mercer County, Pennsylvania, holds the same view. When he was consulted on the matter, he said to the committee: "The juror is as much a part of the court as the judge."30 Other like decisions of Synod are presented in the report. It closes with these words: "Your committee is unable to find any weakness in the argument by which the fathers have maintained the historic position with respect to jury service. We would, therefore, recommend that the resolution be not adopted."31

27 Ibid., p. 94.

28 Ibid., p. 94.

29 Ibid., p. 94.

30 Ibid., p. 94.

31 Ibid., pp. 94-95.



The position, then, adopted by the Reformed Presbytery in 1806, that "sitting on juries in the civil courts of the United States, or in any State, is inconsistent with the Testimony,"<sup>32</sup> is still the law of the Church. Members of the Reformed Presbyterian Church have been willing throughout her history to suffer severe criticism and unjust scorn in order to witness for the claims of their Covenant Head and King. Such a witness would yield this claim by professing allegiance in any way to a constitution of government, which is in hostility to the Kingdom of Christ, the Head of the Church, and the Prince of the kings of the earth.

32 Glasgow, History of the Reformed Presbyterian Church in America, p. 81.

## CHAPTER VII

### OBJECTIONS TO THE DOCTRINE ANSWERED

- I.    Objections Admitting the Principle Involved  
      But Urged Against the Expediency of the Movement
  
- II.   Objections Urged Against the Principle of the  
      Christian Amendment

## CHAPTER VII

### OBJECTIONS TO THE DOCTRINE ANSWERED

The arguments in favor of the position of the Reformed Presbyterian Church of North America concerning the Kingship of Christ are many and varied. Many of the opponents of this position frankly concede its principles, for it is difficult to deny that a Nation has a moral character and accountability and ought, therefore, to acknowledge the Supreme Moral Governor of the universe and His moral laws. Neither can they deny that the very nature and function of a Nation tend to bring it into direct relationship with God and with His government, and thus with Christ to whom all power in heaven and in earth is committed.<sup>1</sup> As the preceding chapters have indicated, it is reasonable, then, to believe that God and Christ and His Word should be acknowledged in our Nation's fundamental law.

We, however, are in sympathy with persons who offer honest criticism, for we grant the rightness and justice of such criticism of any good cause. If the cause is just, the objections offered can be met and should be met. For the sake of every honest objector his opinion should be considered candidly. There are objections, too, urged by many critics who will not attempt to meet the solid arguments advanced. In this chapter it is proposed to set forth fully and fairly

1 Matthew 28:18.

the various objections offered against the position of the Reformed Presbyterian Church and to present a brief and comprehensive answer to each one.

There are two essentially different classes of objections. One class concedes the correctness of the principles on which the Church stands but takes issue on the grounds of prudence and expediency. The other class objects to the position of the Church in ~~her~~ principles--~~her~~ ideas of the nature and functions of government, or at least, of a Constitution. As the objections are considered, one can see how completely many of them neutralize and annihilate each other. This fact itself is a sufficient answer, for mutually conflicting and self-destructive objections cannot be taken well.

## I

### OBJECTIONS ADMITTING THE PRINCIPLE INVOLVED BUT URGED AGAINST THE EXPEDIENCY OF THE MOVEMENT

#### A. The Movement Is Unnecessary.

There are certain persons who argue that there is an acknowledgment of God in the Constitution of the United States. In other words, the objector says that it is not necessary to endeavor to change the Constitution. He has no objection to a Christian amendment; but since God and Christianity are to be found in the fundamental law of our Nation, it is not expedient to labor toward such an end. But what is his proof of such an acknowledgment? He argues that the word "oath" is mentioned in the Constitution; that the words "Sunday Excepted", making the Sabbath a dies non in the

reckoning of days during which the President may retain a bill, are mentioned also; and that the formula of date is an acknowledgment too. In an earlier part of this thesis it was shown that these references are purely incidental.<sup>2</sup> The mention of the Sabbath is merely an allusion, an evidence, indeed, that there was a Sabbath known, but it is not an acknowledgment of the obligation of the Sabbath. The dating is no part of the document; it was not voted upon; it was added by the clerk. The name of God, too, was omitted from the form of the President's oath incorporated in the Constitution.<sup>3</sup> It is hardly possible for one to regard such incidental allusions to God as an adequate acknowledgment of Him and His government. So devoid of any acknowledgment of Christ is the Constitution of the United States that multitudes of both infidels and Christians agree that it is a purely secular document. In a volume entitled, President Dwight's Decisions of Questions Discussed by the Senior Class In Yale College, in 1813 and 1814, Timonthy Dwight gives this testimony concerning the question whether or not God is recognized in the Constitution: "It is highly discreditable to us that we do not acknowledge God in our Constitution..... We have neglected to do it. God says, 'They who despise me shall be lightly esteemed;' and we have rendered ourselves liable, as a nation, to his displeasure. The cor-

2 See Chapter.II, Section III, pp. 91-113.

3 See Chapter V , Section II, pp. 244-250. See also Appendix V, Article II, Section I, Clause 8, p. 318.

ruption which is now rapidly extending in this country gives reason for apprehension that we are soon to suffer the punishment to which we have exposed ourselves."<sup>4</sup> Admiring the many excellencies of our Constitution, as we do, we must admit this defect. If one should contend that an acknowledgment of God and Christianity is in the Constitution, it must be admitted that such an acknowledgment, now dimly there at best, should be made so clear and explicit that no room may be left for doubt. What is there rightfully ought to be there indisputably.

B. The Position of the Reformed Presbyterian  
Church Strengthens the Hands of Infidels.

Infidels boast of the Constitution as being devoid of any acknowledgment of God, and as thus, it is the great bulwork of infidelity. They claim the Constitution to be a document "untainted with superstition" and as a result, demand that the Bible shall be expelled from the public schools, that the Sabbath laws and the oaths shall be abolished; so that the administration of our Government shall be conformed to our Constitution. The reasoning of the infidel here, it seems to me, is correct. But we do not agree with persons who accuse Covenanters of unjustly strengthening the power of infidelity because they point out and admit this defect, for the admission has been made already by our officers of government and by our courts. To point out the religious defect of

4 Dwight, President Dwight's Decisions of Questions Discussed by the Senior Class of Yale College, in 1813 and 1814, pp. 111-112. Quoted by McAllister, National Reform Documents, pp. 51-52.

the Constitution is not to strengthen the hands of infidelity; but to let the admitted defect remain, is to do so. Opponents of Christianity justly maintain that the Constitution and the Government should be in harmony. They are striving to separate the Government, in its actual administration, as far from Christianity as the written Constitution. The only citizens who meet squarely, fully, and logically, the demands of anti-Christian secularism are the advocates of the Christian Amendment, who would have an avowedly Christian Constitution for a Christian government. The true way to weaken the hands of the infidel enemies of our Christian institutions of government, therefore, is to place these institutions on an undeniable legal basis in the fundamental law of the Nation.

#### C. The Whole Program Is Unimportant.

It has been said frequently that it is foolish and unwise to make a mountain out of a mole-hill. Is it not the purpose of the Church to teach Christianity? To merely insert so many words in a paper document will not convert the entire Nation to Christianity. We admit that the great purpose of the Church is to bring men to Christ; however, it is the duty of the Church also to bring in a better social order. A government out of tune with God is not conducive to a good social order. It is important, therefore, to have the fundamental law in harmony with the social order that is set forth in the Word of God. Is it a matter of no moment that the determined and powerful enemies of the Bible in the public schools, of public fasts and thanksgivings, of prayers in

Congress and in state legislatures, of Sabbath laws, and of the oath are persistently and too often successfully assaulting these institutions on the ground of their inconsistency with the Constitution?

For a moment let us notice phases of our Constitution other than those which deal with religion. Our form of government is republican. Is it not important to have republican principles acknowledged in the Constitution? The citizens of the United States, too, are free. Is it not important to have a universal freedom recognized in the Constitution? When the Constitution was written, no mention was made of free speech and a free press. Almost immediately, this omission was corrected, and the First Amendment was added to make such freedom legal. That action was most important. We should be consistent. Is it not important, then, to have an acknowledgment of God and the Christian religion in our fundamental law, since our unwritten constitution calls for such recognition? We should either make the unwritten constitution of the Nation (i.e., the Nation itself) non-Christian, like the Constitution, or we should make our Constitution an explicitly Christian Constitution for a Christian nation. This is not an unimportant matter.

#### D. The People Should Be Converted First.

Another objection that has been offered against the aim of the Reformed Presbyterian Church is that the people should be converted first of all, then the Constitution will be altered by them. This objection entirely misapprehends the



purpose of the Church. We do not desire a change in the Constitution until the people call for it. The Church proposes that the true relationship of civil government to religion be discussed thoroughly throughout the whole Nation, and then, when the people of the Nation are convinced of the great omission, the acknowledgment of the Supreme Being will follow. The people must be awakened, first of all, to the dangers that threaten their Christian institutions of government and all that is best in the Nation. Then they shall stop the boastful mouth of the infidel by declaring this to be a Christian Nation and by registering in the Constitution of the Nation her purpose to govern herself accordingly.

It is not necessary, however, to wait for every citizen's acceptance of Christianity before adding the amendment. We did not wait to make every citizen a friend of universal freedom before inserting the acknowledgment of that truth in the Constitution. Since believers in Christ constitute the controlling mass of the Nation, these Christians must be aroused to the Nation's need and duty. They are the ones who have the power and the right to make the Constitution clearly Christian in the natural and legitimate way. It is the aim of the Reformed Presbyterian Church as well as her duty to keep this fact before the people of the Nation.

#### E. The Program Is Confined to One Denomination.

There are persons who are not aware of the fact that the Reformed Presbyterian Church of North America is not the only church in the United States interested in this reform,

and once in a while, this Church is marked as a peculiar one. It is quite true that this Church is peculiar in the sense that she is different in her principles from other churches. But the Israelites were different also. The other assumption, however, is not a fact. Some years ago an organization was formed by a group of Christians which they called the National Reform Association. This organization has been chiefly under the control of the Reformed Presbyterian Church of North America. Men of every denomination, however, have been members of this organization and have labored side by side with the men of the Reformed Presbyterian Church toward the goal of a Christian amendment. The Honorable William Strong, a Justice of the Supreme Court and a former President of the National Reform Association, was a member of the Presbyterian Church. Another outstanding national character, the Honorable Felix R. Brunot, held the office of President of this organization at the same time that he was the President of the Board of Indian Commissioners; he was an Episcopalian.<sup>5</sup> Dr. A. A. Hodge formerly of Princeton Seminary was a member of this organization for many years; he was a Presbyterian.<sup>6</sup> Other men worthy of mention in this connection from other denominations are: Dr. Stephen H. Tyng, Sr., Bishop McIlvaine, Bishop Eastburn, and Bishop Kerfoot of the Protestant Episcopal Church; Bishop Haven and Bishop Simpson, Judge Hagans, and

5 National Reform Documents, p. 116.

6 McAllister, Christian Civil Government, 2nd Edition, p. 47.

Dr. Joseph Cummings (President of Northwestern University) of the Methodist Episcopal Church; Dr. Charles Hodge, Dr. J. H. McIlvaine, Dr. I. N. Hays, Dr. Robert F. Coyle, and Jonathan Edwards of the Presbyterian Church; Dr. J. H. Seelye, Dr. Charles Finney, and Dr. Jonathan Blanchard of the Congregational Church; Dr. W. W. Evarts of the Baptist Church; Dr. Pressly, Dr. Kerr, and Dr. W. J. Robinson of the United Presbyterian Church; and Dr. Taylor Lewis of the Dutch Reformed Church.<sup>7</sup>

The few names mentioned above show the interest that has prevailed in the country in this worth while aim. When Dr. J. R. W. Sloane led a committee from the Reformed Presbyterian Church to visit Abraham Lincoln, he laid before him two of the great aims of our Church. The first aim concerned slavery; the second one dealt with the Christian Amendment. The President expressed his satisfaction that the first purpose was so nearly realized, and his hope that he might assist in carrying out the second purpose.<sup>8</sup> He was not permitted to live to help in the carrying out of his desire. Although, as far as it is known, Abraham Lincoln never made an explicit public statement concerning this matter, it is a great satisfaction to our Church to have had his sympathy. Thus, the statement that the members of the Reformed Presbyterian Church of North America are the only persons in the

<sup>7</sup> Ibid., p. 47.

<sup>8</sup> Sloane, Works of J. R. W. Sloane, p. 260.

Nation interested in the Christian Amendment is unfounded.

## II

### OBJECTIONS URGED AGAINST THE PRINCIPLE OF THE CHRISTIAN AMENDMENT

#### A. The State Has Nothing to Do with Religion.

The first objection to the principle itself is that the State has nothing to do with religion. If this statement is true, then, the objection is valid. But is this assertion true? To test a principle, it is wise to test its application in a number of instances. Let us apply this principle to our courts of justice. Do they have anything to do with religion? Are they permitted to examine witnesses and qualify jurors for their solemn duties without an oath? Is not this oath, an appeal to God as witness and judge, a matter of religion? If we accept the statement that the State has nothing to do with religion, we must abolish the oath.

Let us now apply the principle to our Army. Does our Army have anything to do with religion? When our Nation sends soldiers to fight our battles, has she the right to employ Christian ministers as chaplains to pray for our soldiers and to preach to them the truths of the Gospel? In the World War no man uttered a word against this connection between the State and religion. It was right then; it is right always. During the days when we were in the agony of our struggle to preserve our national life, Lincoln called a day of humiliation and prayer.<sup>9</sup> In the dark hour of the World

<sup>9</sup> See Chapter III, p. 157.

War, Woodrow Wilson heeded the request of Congress and called upon the people to set aside the twenty-eighth day of October, 1917, for a day of "concerted prayer to Almighty God for His divine aid in the success of our arms."<sup>10</sup> Such actions were wrong, if the State has nothing to do with religion.

Consider, for a moment, another proof. On the penny coin bearing the likeness of Abraham Lincoln, there is inscribed above his head the words, "In God We Trust." This same inscription is found on the ten-cent piece and the twenty-five cent piece. It is a seemly and worthy inscription for our national coinage. But if the State has nothing to do with religion, this religious declaration is out of place.

In brief, if this objection is to have any weight, the Bible should be expelled from the public schools, the Sabbath laws should be abrogated, and every single Christian feature of our national and state governments should be obliterated.

On the other hand, our Government always has had, and from the nature of things, must have a great deal to do with religion. For instance, if our Nation disregards the Christian Sabbath and carries on her affairs on the first day of the week just as she does on other days of the week, she excludes every Sabbath-keeping Christian from her employment. If she expels the Bible and all Christian instruction from the public schools, she must introduce some other moral standard. She must choose between Christian philosophy and anti-Christian philosophy. She must tell her pupils through the school of

<sup>10</sup> Statutes at Large of the United States, Vol. 40, Part 2, p. 1709.

suns and systems which God created or she must introduce the philosophy of matter and force in such a way that all mention of the Creator is excluded as superstitious. She must define words of moral and ethical meaning by the standard of the Bible or she must adopt the standard of a hostile system. Neutrality is impossible. Our Nation is embedded in religion; therefore, it should be a part of her fundamental law.

B. It Is an Attempt to Make Men Religious by Law.

This objection is an attempt to catch certain persons who fear being forced to act against their will. Thus, when such a cry goes up, these persons rally around it, fearing the loss of liberty. But when have men been as free to profess any religion or no religion as under our Christian institutions? Our national Christianity, because it is the religion of Protestant freedom, condemns all persecutions whatsoever. Religious liberty is the fruit of Christianity. On the other hand, religious liberty does not mean licentiousness or immorality. The State has no right to compel any man to be religious or to be irreligious; but the State has a right to say that his outward conduct as a citizen shall be moral and righteous according to the standard of the Christian religion. All good laws in our criminal code are designed to make one religious in this sense and in no other sense. All laws against impurity, theft, murder, drunkenness, blasphemy are open to the same objection. These laws are designed, enacted, and enforced to make men moral or religious in the

sense that their conduct in civil society shall be such as not to trespass on the rights and liberties of others according to the authoritative moral standard of Christianity. In our land men may or may not attend church; men may or may not pray; men may or may not read the Bible. Each one makes his choice. He may believe in God and His Word or he may be an infidel or a pagan. He may profess his faith in Christ as his Saviour or he may reject Him. Such matters are his affairs. But the State is a moral and a religious being and has a right to take Christ as its acknowledged Lord. Since our Nation is founded on Christianity, she should choose Christ. Her duty like that of the individual is to acknowledge freely the supreme obligation of the Divine Law in her own sphere of moral conduct. In making such an acknowledgment, our Nation will safeguard the rights and liberties of all persons under her authority.

The State cannot force the action of the soul, in any case, by its legislation. It looks to the outward conduct from which religion cannot be severed. Our Sabbath laws as well as our laws against drunkenness and profanity enforce a certain kind of moral or religious conduct. David McAllister says: "The proposed amendment (the Christian Amendment) is not legislation. It forces nothing. It is designed as a legal basis for such Christian laws as already exist. It is a firm anchorage for the nation, now in danger of drifting with the tide of irreligion and infidelity from the moorings of her Christian institutions. It does not propose to force

any man to perform any act of devotion or worship. It is simply an avowal of the nation's right to its Christian laws and customs, and a denial of the right of certain individuals, who may choose to be irreligious, to force the nation to be as irreligious as themselves."<sup>11</sup>

C. It Would Mean the Union of Church and State.

Frequently the very persons who have contended that the proposed acknowledgment in the written Constitution would be a matter of very little importance take a new departure and urge that the religious amendment would effect a union of Church and State. Having considered the importance of the proposed amendment in the preceding pages, let us consider only the latter objection. For, if such an amendment were to mean the union of Church and State, the Reformed Presbyterian Church of North America would not be in favor of it.

This objection usually comes from one who believes in the secular theory of government. Such an objection can be answered with little difficulty. One may ask him, then, if the use of the oath, the teaching of the Bible in the public schools, our Sabbath laws, our laws against profanity and blasphemy constitute a union of Church and State. If he admits the propriety of these practical acknowledgments of God and religious truth by the civil power, he cannot consistently oppose the position of our Church. If he still insists, however, that the inserting of religious ideas into

<sup>11</sup> National Reform Documents, pp. 122-123.



the Constitution of the United States would mean the union of Church and State to which he especially objects, we may ask him concerning the acknowledgment of God in our state constitutions. Is there a union of Church and State in any of the states where such an acknowledgment is made? Since he must acknowledge that there is no such union, how then could such an acknowledgment effect a union in our national Government? These states where the acknowledgment is made permit the Bible to be read in the public schools, in their courts of justice, in their prisons, in their asylums, in their orphanages, and in their homes for aged men and women. Does this mean the union of Church and State? On the contrary, every intelligent person knows that it does not.

Many persons raising this alarm do not realize what such a union would involve. Any intelligent objector who understands what such a union means will admit at once, that to form such a union, there must be the establishment of some ecclesiastical organization, as in England where the Church of England is the State Church. When there is a union of Church and State, there is a mingling of civil and ecclesiastical offices and functions. The Reformed Presbyterian Church of North America together with those persons who are laboring with us in this cause maintains the entire independence of each of these institutions and favors the existing safeguards in the national and state constitutions against ecclesiastical establishment. The Church may not usurp civil functions, nor may the State usurp ecclesiastical functions. It is the duty

of the State to confine itself to the sphere of maintaining rights and doing justice among men. But to do this it must be guided by the law of the righteous Ruler of the nations. In addition, for itself and not through any church, it must acknowledge its Divine Ruler and the moral principles of His law revealed in nature and in the Scriptures that apply to its distinctive sphere and functions. No greater safeguard could be had against the intermingling of civil and ecclesiastical offices and functions or against the union of Church and State.

There is no design nor desire on the part of the Reformed Presbyterian Church of North America to unite Church and State. Such a wish has never been a part of the program of our Church. What presumption this Church would have to expect a hundred and thirty million people to come under the domination or control of about eight thousand persons! How could a small Church ever hope for such a thing to take place? What other Church would be laboring to be recognized as the State Church? Would it be the Presbyterian Church, the Methodist Church, the Baptist Church, the Congregational Church, or the Protestant Episcopal Church? One objecting to the union of Church and State must have some definite organization in view. The Reformed Presbyterian Church has no such aim in view. As it has been pointed out already, the friends of this cause come from many denominations of the United States. These men could not labor harmoniously with a group of men that proposed making the Church to which it belonged the State Church. Neither

do these friends of the cause who are members of churches other than the Reformed Presbyterian Church have the least notion of making their Church the State Church. They labor in this cause not so much as church members as in the character of Christian citizens striving to bring the country which they love to the high standard of the law of God in the sphere of her own national life. They have no desire to incorporate any church principle or ecclesiastical dogma into the Constitution of the United States. But they do seek to have the politico-moral principles of Christianity made the basis and foundation of all our legislation and administration in the affairs of the State.

Francis Lieber makes this significant statement in his work on Civil Liberty and Self-Government: "The great mission which this country has to perform, with reference to Europe, requires the total divorce of state and church (not religion)."<sup>12</sup> The State and Church have been divorced in this country. But Christianity is still linked with the institutions of the Government. This connection, the Reformed Presbyterian Church of North America proposes to maintain and cherish.

#### D. The Rights of Conscience.

Of all the objections urged against the Christian Amendment, this one, perhaps, has the greatest influence upon people. If the rights of conscience would be infringed upon by such an amendment, the objection would have weight. In a truly free country all rights, even of the lowliest and most

<sup>12</sup> Lieber, Civil Liberty and Self-Government, p. 264.

insignificant of the people, should be held sacred and inviolate.

Again, let us use the Socratic probe. What are the rights of conscience? Is anything that any man may call a right of conscience to be regarded as such by the State, and nothing done contrary to it? Amid all the multitude of conflicting religious beliefs among our people how can the State act at all without coming into collision with what some citizens will call their rights of conscience? If every man is to be vested with a veto power and arrest the action of government in everything not in accordance with his conscientious convictions, we shall have anarchy instead of government.

Is it a right of conscience of the atheist to prevent the constitution of the government under which he lives from containing an acknowledgment of God? If it is, then, many of our state constitutions infringe upon this right. It is a right of conscience to object to the thanksgiving proclamations issued by our President and state governors? If it is, then, every year the President and the governors of the various states infringe upon this right. Is it a right of conscience to object to the employment at governmental expense of Christian ministers to pray in Congress or in state legislatures? If it is, then, every day in the year our Government infringes upon this right. Certain citizens do not believe in these religious acknowledgments just mentioned. As a result, must they be abandoned as an infringement of their

rights? Is the acknowledgment of Christianity by the State an infringement of the right of the Jew? Then our state governments by their laws for the observance of the Christian Sabbath infringe upon his right. Would the acknowledgment of God or Christianity in a constitution which they would have to swear to support disfranchise the atheist and the Jew? If such a contention is affirmed, then, the Jew and the atheist are already disfranchised by the governments of many states. Hence, the infringement of the rights of conscience on the ground of which objection is made to the proposed amendment is found already existing in the long-established facts of the Nation's life. To press the objection is to demand the abrogation of every theistic as well as every Christian feature of our Government.

In conceding that the above and other similar acknowledgments and acts of the civil power do not constitute infringements of the rights of conscience, one must admit with the authorities already quoted in this thesis that the State itself has rights no less than the individual. It has a right to its laws in regard to the Sabbath and to its laws prohibiting blasphemy. The State has a right to conduct Christian public schools. For its own welfare the State must maintain such institutions notwithstanding what opponents may say. The State has also its own duty to God and to His law, and no plea of the right of conscience by infidel, pagan, or Jew may turn the State from its own rightful duty.

However, let us suppose that this claim of the rights of

conscience were granted. Immediately we would have to repeal all Sabbath laws, abolish the oath, cast the Bible from our public schools, hush the voice of prayer in Congress and state legislatures, put an end to all national and state calls of thanksgiving and prayer, and discontinue the services of chaplains in prisons, in the Army and in the Navy, and in all public institutions financed by the State. But the difficulty would not be ended. Still, there would be rights of conscience infringed upon. At once an overwhelming multitude of Christian people would awaken to the fact that their most precious and sacred rights were violated by a government administered in connection with the irreligion of anti-Christian secularism.

To what end would this cry for rights lead us? Roman Catholics claim that our public schools are an infringement of their rights of conscience. Must we, therefore, destroy our magnificent system of public instruction? Many of our best citizens conscientiously oppose war. Shall we disband our Army, sink our warships, demolish West Point and Annapolis, ground our war-planes to rust into ruins? Multitudes are grievously oppressed by our system of capital punishment. Shall we, therefore, forbid the execution of a murderer?

God has given to no man or class of men a right to dictate to this great Nation founded upon Christianity that she shall not acknowledge Him. The Nation as a republic has a right to her chosen form of government and to the authentication of her republican institutions in her Constitution.

The monarchist lives here, protected in everything which is not harmful to the Republic's welfare. The Nation, as a Christian Nation, has the right to her connection with the Christianity and to the expression of it in the Constitution. An infidel, a pagan, a Jew, or a follower of any religion may live here and be protected in all that is not harmful to our institutions of government. But he may plead no right of conscience nor any other right against the Christianity of the government or its constitutional authentication. If he cannot live under it, he is not compelled to remain. He may seek "freer" land elsewhere.

Christianity is the religion of liberty. It regards the rights of others; it is the least tyrannical and the least oppressive. The nations that have given the greatest liberty to their people are the Christian nations. The whole question of rights and liberty of conscience hinges here. Is true Christianity, the Christianity of the Word of God, oppressive? No friend of Christianity or no friend of the Lord Jesus Christ can join in the infidel cry of invaded rights of conscience under Christian institutions. If Christianity is the true religion, and if it oppresses no man but is most considerate of others, its acknowledgment by the Nation as the rule of national conduct certainly cannot be an infringement of the rights of any citizen or subject. As David McAllister puts it: "National Christianity is the only true balance of liberty and Law."<sup>13</sup>

<sup>13</sup> McAllister, Christian Civil Government, p. 177.

CONCLUSION



## CONCLUSION

The Reformed Presbyterian Church believes that she was brought into existence for the purpose of witnessing for the Kingship of Christ over the nations. There is no other church in the United States that witnesses for this truth in the peculiar sense in which our Church does. In view of this fact it is the duty and the responsibility of the Reformed Presbyterian Church to continue her testimony.

We shall continue to bear witness to this vital doctrine, because we believe that it is explicitly set forth in the Word of God which we believe to be the Revealed Will of God; therefore, we have no alternative but to receive its laws as authoritative in every sphere of life. And since the State is an important sphere of life, the Reformed Presbyterian Church will labor to bring about an acknowledgment of God, of Christ, and of His law in that realm.

We shall continue to bear witness to this vital doctrine particularly, because we believe that the State is a moral person with power of influence, with ability to do right, and with capacity to commit crime for which punishment must be meted out. Eminent political writers have expressed their belief also in the moral personality of the State. Since the State is a moral person, it must have an authority higher than itself on which to base its judgment. That authority can do nothing less than the Word of God.

Since the Word of God requires this recognition, it is reasonable to expect the State to make an acknowledgment in

its fundamental law of the authority from whom it receives its power. A review of the Constitution proves it to be silent in respect to morals and religion. In it we find no mention of the name of God, no recognition of the Lord Jesus Christ, and no dependence on His Word for guidance in judgment and in wisdom. A review of the historical documents of our Nation shows that the exact opposite is true in regard to such recognition. From the very beginning of the Nation to the day when the written Constitution was adopted, charters, colonial laws, and compacts of the colonists upheld Christianity. And since the adoption of the Constitution presidents, statesmen, senators, representatives, and judges in official and unofficial statements have recognized the Kingship of Christ over the nations. And yet, we find no clause in the body of the Constitution of the United States nor a word in any of its twenty-one amendments indicating that we are a Christian Nation. If a man refuses to recognize Christ as the Lord of his life, we do not call him a Christian. The same reasoning must be applied to the State. How then can we call this Nation a truly Christian one, when she too refuses to recognize the King of kings in her fundamental law, even though the unwritten constitution does acknowledge Him?

Our Church not only believes this doctrine, but from the adoption of the Constitution in the year 1788 to the present time, she has maintained a constant testimony for

this important principle. In different periods of her history she has been attacked from within and from without; each attack was weathered courageously. Men have assailed our position because we refuse to vote, because we refuse to take an oath to an immoral constitution, and because we refuse to sit on juries. We believe that it is more Christ-like to bear the scourges of criticism, sometimes of necessity in silence, than to show disloyalty to our Saviour. We shall continue to bear witness until the Constitution of the United States has been made a Christian document. Then, we believe, a new day will dawn for our Nation.

We "love" our flag, because to us it is the symbol of liberty. Its colors too are symbolic; the white color stands for purity, the red for the blood spilled in behalf of human freedom, the blue for loyalty to high principles. In the upper left-hand corner there are forty-eight white stars placed on a background of blue. Our Church believes that a day will dawn when a new star will be placed on that emblem, the Golden Star of the King of kings. Then we shall dedicate ourselves anew to the Lord Jesus Christ, THE KING OF KINGS AND THE LORD OF LORDS, and with the Golden Star of Christ's love shining radiantly and gloriously and abundantly, we shall say with Longfellow:

Thou, too, sail on, O ship of State!  
Sail on, O Union, strong and great!  
Humanity with all its fears,  
With all the hopes of future years,  
Is hanging breathless on thy fate!

We know what Master laid thy keel,  
What Workman wrought thy ribs of steel,  
Who made each mast, and sail, and rope,  
What anvils rang, what hammers beat,  
In what a forge and what a heat,  
Were shaped the anchors of thy hope!  
Fear not each sudden sound and shock,  
'Tis of the wave and not the rock;  
'Tis but the flapping of the sail,  
And not a rent made by the gale.  
In spite of rock and tempest's roar,  
In spite of false lights on the shore,  
Sail on, nor fear to breast the sea!  
Our hearts, our hopes, are all with thee,  
Our hearts, our hopes, our prayers, our tears,  
Our faith triumphant o'er our fears,  
Are all with thee---are all with thee!<sup>1</sup>

1 Longfellow, The Building of the Ship.

APPENDICES

## THE REFORMED PRESBYTERIAN (COVENANTER) CHURCH

The Covenanter Church is Presbyterian in her form of government. In the Testimony of the Church the following statement is found: "The government of the Church is Presbyterian: Ministers or teaching Elders are the highest officers, and among these there is a perfect parity of power: with teaching Elders, are associated, in the exercise of ecclesiastical government, other Elders who only rule. These ministers and ruling Elders meet in courts, congregational sessions, presbyteries, and synods, in regular subordination, the one to the other: to these courts Christ has given the power of governing the Church and ordaining officers, and this power is entirely ministerial and subordinate to his law. The deacon has no power except about temporalities of the Church." 1

The Covenanter Church is Reformed in her worship. The Church endeavors to retain the simplicity and purity of the primitive Christian Church in all that pertains to the services of the sanctuary. She guards the institutions of grace by the well-established rule, drawn from the Bible and embodied in her subordinate standards: "But the acceptable way of worshipping the true God is instituted by himself, and so limited by his own revealed will, that he may not be worshipped according to the imaginations and devices of men, or the suggestions of Satan, under any visible representation, or any other way not prescribed in the Holy Scriptures." 2

This Church is a Covenanting Church. The Church is joined to the Lord not by a mere confession of faith nor by the bond of general privileges nor by strong arguments of gratitude, but by perpetual covenants of the fathers, which, though we may forget, we cannot disannul. The moral obligations of the former covenants rest upon the members of the Church.

The Covenanter Church, therefore, is presbyterian in her government, reformed in her worship, and covenanted in her relation to her King and Lord.

1 Reformation Principles, Part II, Chapter XXIII, Section 3, p. 216.

2 Macpherson, The Westminster Confession of Faith, Chapter XXI, Section 1, p. 126.

## II

## A. TERMS OF ECCLESIASTICAL COMMUNION IN THE REFORMED PRESBYTERIAN CHURCH IN NORTH AMERICA, 1819-1878.

1. An acknowledgment of the Scriptures of the Old and New Testaments to be the word of God, and the only rule of faith and manners.

2. An acknowledgment that the whole doctrine of the Westminster Confession of Faith, and the Catechisms, Larger and Shorter, are agreeable unto, and founded upon, the Scriptures.

3. An acknowledgment of the divine right of one unalterable form of Church Government and manner of worship--and that these are, for substance, justly exhibited in that form of Church Government and the Directory for Worship agreed upon by the Assembly of Divines at Westminster, as they were received by the Church of Scotland.

4. An acknowledgment that public covenanting is an ordinance of God, to be observed by Churches and nations under the New Testament Dispensation--and that those Vows, namely, that which was entered into by the Church and Kingdom of Scotland, called the NATIONAL COVENANT, and that which was afterwards entered into by the three kingdoms, Scotland, England, and Ireland, and by the Reformed Churches in those kingdoms usually called the Solemn League and Covenant, were entered into in the true spirit of that institution--and that the obligation of these covenants extends to those who were represented in the taking of them, although removed to this or any other part of the world, in so far as they bind to duties not peculiar to the Church in the British Isles, but applicable in all lands.

5. An approbation of the faithful contendings of the martyrs of Jesus, and of the present Reformed Covenanted Churches in Britain and Ireland, against Paganism, Popery, and Prelacy, and against immoral constitutions of civil government, together with all Erastian tolerations and persecutions which flow therefrom, as containing a noble example for us and our posterity to follow in contending for all divine truth, and in testifying against all contrary evils which may exist in the corrupt constitutions of either Church or State.

6. An approbation of the doctrines contained in the Declaration and Testimony of the Reformed Presbyterian Church in North America, in defence of truth, and in opposition to error.

These, together with due subordination in the Lord to the authority of the Synod of the Reformed Presbyterian Church in North America, and a regular life and conversation form the bonds of our ecclesiastical union. 1

## B. THE FOURTH TERM CHANGED IN 1878

A New Covenant was sworn to and subscribed by the Synod of the Reformed Presbyterian Church in May of 1871. Hence, the Fourth Term was changed to include it. This revised Term was adopted by the Synod at its meeting in 1878. It is as follows:

4. An acknowledgment of public covenanting as an ordinance of God to be observed by churches and nations; and of the perpetual obligation of public covenants; and of the obligation upon this church of the covenant entered into in 1871, in which are embodied the engagements of the National Covenant of Scotland and of the Solemn League and Covenant, so far as applicable in this land. <sup>2</sup>

## C. THE REVISED TERMS <sup>3</sup>

1. An acknowledgment that the Scriptures of the Old and New Testaments are the Word of God and the only infallible rule of faith and life.

2. An acknowledgment that the Lord Jesus Christ is the Son of God and the only Redeemer of men; together with a personal acceptance of Him as Saviour and Lord.

3. An acknowledgment that the system of doctrine contained in the Westminster Confession of Faith, the Larger and Shorter Catechisms, and the Testimony of the Reformed Presbyterian Church, is agreeable unto, and founded upon, the Scriptures.

4. An acknowledgment that the Scriptures reveal the permanent form of church government and manner of worship and that these are set forth in substance in the Westminster Form of Church Government and Directory for Worship.

5. An acknowledgment that public covenanting is an ordinance of God to be observed by churches and by nations; that the obligations of such covenants are perpetual; and that the Covenant entered into in 1871 is binding upon the Reformed Presbyterian Church in North America.

6. An acknowledgment that Jesus Christ is Saviour and Lord of men and nations, and that in loyalty and obedience to Him, it is our duty to follow the noble example of the faithful confessors and martyrs of Jesus in their witness for divine truth, and in their sacrifices and labors to establish the Kingdom of God on earth.

<sup>2</sup> Reformation Principles, Part II, pp. 251-252.

<sup>3</sup> The Synod adopted the new terms in 1938. Minutes of Synod, 1938, p. 112.



By these acknowledgments we hold ourselves bound to live a loyal and obedient life in the service of Jesus Christ, with due subordination in the Lord to the authority of the Synod of the Reformed Presbyterian Church in North America. 4

- 4 These terms have not been printed in the official Minutes, but copies of them have been sent to all the churches. They will be printed in the Minutes of Synod for 1939.

## III

## THE FORM OF A POSSIBLE CHRISTIAN AMENDMENT

## First Form

The preamble to the Constitution shall hereafter read: "We, the people of the United States, believing in Almighty God as the Creator of the universe and in Jesus Christ as the Supreme Ruler of all nations, in order to form a more perfect union, establish justice and Christian morality, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America."

## Second Form

Section 1. The preamble to the Constitution shall hereafter read: "We, the people of the United States, devoutly recognizing the Authority and Law of Jesus Christ, the Saviour and King of Nations, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America."

Section 2. This amendment shall not be interpreted as abridging the present rights of religious freedom, freedom of speech and press, and peaceful assemblage, guaranteed by the First Amendment.

The parts underscored are to be added to the preamble.

## IV

## STENOGRAPHER'S AFFIDAVIT

State of Pennsylvania,

County of Allegheny.

Before me, the undersigned authority, personally appeared J. H. Beal, who being duly sworn according to law, deposes and says, that on the 3rd, 4th, 5th, 6th, 8th, 9th, and 10th days of June, 1891, he was present at the trial of H. W. Reed and other Ministers before the Synod of the Reformed Presbyterian church at Pittsburgh, Pa., and did take in shorthand a true, full and accurate report of all said proceedings; and that thereafter he did faithfully and accurately transcribe said shorthand notes in type-writing, and that the type-written copy of said proceedings to which this is attached is a true, full and accurate report of the proceedings at said trial, to the best of his knowledge and belief.

J. H. Beal.

Sworn to and subscribed before me

this 14th day of November, 1891.

William Beal, Notary Public.

The above affidavit is found in the book, Stenographic Report of the Great Liberal Trial in the Covenanter Synod of 1891, p. 47.

## V

## CONSTITUTION OF THE UNITED STATES

We, the People of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this CONSTITUTION for the United States of America.

## ARTICLE I.--Legislative Department

Section I. All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

Section II Clause 1. The House of Representatives shall be composed of members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislature.

Clause 2. No person shall be a representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.

Clause 3. Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three fifths of all other persons. The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of representatives shall not exceed one for every thirty thousand, but each State shall have at least one representative; and until such enumeration shall be made, the State of New Hampshire shall be entitled to choose three; Massachusetts, eight; Rhode Island and Providence Plantations, one; Connecticut, five; New York, six; New Jersey, four; Pennsylvania, eight; Delaware, one; Maryland, six; Virginia, ten; North Carolina, five; South Carolina, five; and Georgia, three.

Clause 4. When vacancies happen in the representation from any State, the executive authority thereof shall issue writs of election to fill such vacancies.

Clause 5. The House of Representatives shall choose their Speaker and other officers; and shall have the sole power of impeachment.

Section III Clause 1. The Senate of the United States shall be composed of two senators from each State, chosen by the Legislature thereof, for six years; and each senator shall have one vote.

Clause 2. Immediately after they shall be assembled in consequence of the first election, they shall be divided as equally as may be into three classes. The seats of the senators of the first class shall be vacated at the expiration of the second year; of the second class, at the expiration of the fourth year; and of the third class, at the expiration of the sixth year, so that one third may be chosen every second year, and if vacancies happen by resignation, or otherwise, during the recess of the Legislature of any State, the executive thereof may make temporary appointments until the next meeting of the Legislature, which shall then fill such vacancies.

Clause 3. No person shall be a senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State for which he shall be chosen

Clause 4. The Vice-President of the United States shall be president of the Senate, but shall have no vote, unless they be equally divided.

Clause 5. The Senate shall choose their other officers, and also a president pro tempore, in the absence of the Vice-President, or when he shall exercise the office of President of the United States.

Clause 6. The Senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the President of the United States is tried, the Chief-Justice shall preside; and no person shall be convicted without the concurrence of two thirds of the members present.

Clause 7. Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit under the United States; but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment, and punishment, according to law.

Section IV Clause 1. The times, places, and manner of holding elections for senators and representatives shall be prescribed in each State by the Legislature thereof; but the Congress may at any time, by law, make or alter such regulations, except as to the places of choosing senators.

Clause 2. The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

Section V Clause 1. Each House shall be the judge of the elections, returns, and qualifications of its own members,

and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner, and under such penalties, as each house may provide.

Clause 2. Each House may determine the rules of its proceedings, punish its members for disorderly behavior, and with the concurrence of two thirds, expel a member.

Clause 3. Each House shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment require secrecy, and the yeas and nays of the members of either House on any question shall, at the desire of one fifth of those present, be entered on the journal.

Clause 4. Neither House, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two Houses shall be sitting.

Section VI Clause 1. The senators and representatives shall receive a compensation for their services, to be ascertained by law and paid out of the treasury of the United States. They shall in all cases, except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective Houses, and in going to and returning from the same; and for any speech or debate in either House, they shall not be questioned in any other place.

Clause 2. No senator or representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased, during such time; and no person holding any office under the United States shall be a member of either House during his continuance in office.

Section VII Clause 1. All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments, as on other bills.

Clause 2. Every bill which shall have passed the House of Representatives and the Senate, shall, before it become a law, be presented to the President of the United States; if he approve, he shall sign it, but if not, he shall return it, with his objections, to that house in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If after such reconsideration, two thirds of that house shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two thirds of that house, it shall become a law. But in all such cases the votes of both houses shall be

determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each house respectively. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress by their adjournment prevent its return, in which case it shall not be a law.

Clause 3. Every order, resolution, or vote to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment) shall be presented to the President of the United States; and before the same shall take effect, shall be approved by him, or being disapproved by him, shall be repassed by two thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.

Section VIII Clause 1. The Congress shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defence and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States;

Clause 2. To borrow money on the credit of the United States;

Clause 3. To regulate commerce with foreign nations, and among the several States, and with the Indian tribes;

Clause 4. To establish an uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States;

Clause 5. To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures;

Clause 6. To provide for the punishment of counterfeiting the securities and current coin of the United States;

Clause 7. To establish post-offices and post-roads;

Clause 8. To promote the progress of science and useful arts, by securing, for limited times, to authors and inventors the exclusive right to their respective writings and discoveries;

Clause 9. To constitute tribunals inferior to the Supreme Court;

Clause 10. To define and punish piracies and felonies committed on the high seas, and offences against the law of nations;

Clause 11. To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water;

Clause 12. To raise and support armies, but no appropriation of money to that use shall be for a longer term than two years;

Clause 13. To provide and maintain a navy;

Clause 14. To make rules for the government and regulation of the land and naval forces;

Clause 15. To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions;

Clause 16. To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States respectively the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress;

Clause 17. To exercise exclusive legislation in all cases whatsoever over such district (not exceeding ten miles square) as may, by cession of particular States, and the acceptance of Congress, become the seat of the government of the United States, and to exercise like authority over all places purchased by the consent of the Legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings;--And

Clause 18. To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof.

Section IX. Clause 1. The migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight, but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.

Clause 2. The privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.

Clause 3. No bill of attainder or ex post facto law shall be passed.

Clause 4. No capitation or other direct tax shall be laid, unless in proportion to the census or enumeration hereinbefore directed to be taken.

Clause 5. No tax or duty shall be laid on articles exported from any State.

Clause 6. No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another; nor shall vessels bound to, or from, one State, be obliged to enter, clear, or pay duties in another.

Clause 7. No money shall be drawn from the treasury but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.



Clause 8. No title of nobility shall be granted by the United States: And no person holding any office of profit or trust under them, shall, without the consent of the Congress, accept of any present, emolument, office, or title, of any kind whatever, from any king, prince, or foreign State.

Section X. Clause 1. No State shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make any thing but gold and silver coin a tender in payment of debts; pass any bill of attainder, ex post facto law, or law impairing the obligation of contracts, or grant any title of nobility.

Clause 2. No State shall, without the consent of the Congress, lay any impost or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the net produce of all duties and impost, laid by any State on imports or exports, shall be for the use of the treasury of the United States; and all such laws shall be subject to the revision and control of the Congress.

Clause 3. No State shall, without the consent of Congress, lay any duty of tonnage, keep troops, or ships of war, in time of peace, enter into any agreement or compact with another State, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

## ARTICLE II.--Executive Department

Section I. Clause 1. The executive power shall be vested in a President of the United States of America. He shall hold his office during a term of four years, and, together with the Vice-President, chosen for the same term, be elected as follows:

Clause 2. Each State shall appoint, in such manner as the Legislature thereof may direct, a number of electors, equal to the whole number of senators and representatives to which the State may be entitled in the Congress; but no senator or representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

Clause 3. 1

Clause 4. The Congress may determine the time of choosing the electors, and the day on which they shall give their votes; which day shall be the same throughout the United States.

Clause 5. No person except a natural-born citizen, or a citizen of the United States at the time of the adoption of this Constitution, shall be eligible to the office of

1 This clause is no longer in force.

President; neither shall any person be eligible to that office who shall not have attained to the age of thirty-five years, and been fourteen years resident within the United States.

Clause 6. In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice-President, and the Congress may by law provide for the case of removal, death, resignation, or inability, both of the President and Vice-President, declaring what officer shall then act as President; and such officer shall act accordingly until the disability be removed, or a President shall be elected.

Clause 7. The President shall, at stated times, receive for his services a compensation which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States, or any of them.

Clause 8. Before he enter on the execution of his office, he shall take the following oath or affirmation:-- "I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will, to the best of my ability, preserve, protect, and defend the Constitution of the United States."

Section II. Clause 1. The President shall be commander-in-chief of the army and navy of the United States, and of the militia of the several States, when called into the actual service of the United States; he may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices; and he shall have power to grant reprieves and pardons for offences against the United States, except in cases of impeachment.

Clause 2. He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two thirds of the senators present concur; and he shall nominate, and by and with the advice and consent of the Senate shall appoint, ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law; but the Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of department.

Clause 3. The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session.

Section III. He shall from time to time give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both Houses, or either of them, and in case of disagreement between them with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive ambassadors and other public ministers; he shall take care that the laws be faithfully executed, and shall commission all the officers of the United States.

Section IV. The President, Vice-President, and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors.

### ARTICLE III.--Judicial Department

Section I. The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the Supreme and inferior courts, shall hold their offices during good behavior, and shall, at stated times, receive for their services a compensation which shall not be diminished during their continuance in office.

Section II. Clause 1. The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority;--to all cases affecting ambassadors, other public ministers, and consuls;--to all cases of admiralty and maritime jurisdiction;--to controversies to which the United States shall be a party;--to controversies between two or more States;--between a State and citizens of another State;--between citizens of different States;--between citizens of the same State claiming lands under grants of different States, and between a State or the citizens thereof, and foreign states, citizens, or subjects.

Clause 2. In all these affecting ambassadors, other public ministers and consuls, and those in which a State shall be party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions and under such regulations as the Congress shall make.

Clause 3. The trial of all crimes, except in cases of impeachment, shall be by jury, and such trial shall be held in the State where the said crimes shall have been committed; but when not committed within any State, the trial shall be at such place or places as the Congress may by law have directed.

Section III. Clause 1. Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason, unless on the testimony of two witnesses to the same overt act, or on confession in open court.

Clause 2. The Congress shall have power to declare the punishment of treason; but no attainder of treason shall work corruption of blood, or forfeiture, except during the life of the person attainted.

#### ARTICLE IV.--General Provisions.

Section I. Full faith and credit shall be given in each State to the public acts, records, and judicial proceedings of every other State; and the Congress may by general laws prescribe the manner in which such acts, records, and proceedings shall be proved, and the effect thereof.

Section II. Clause 1. The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.

Clause 2. A person charged in any State with treason, felony, or other crime, who shall flee from justice, and be found in another State, shall, on demand of the executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime.

Clause 3. No person held to service or labor in one State, under the laws thereof, escaping into another, shall in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.

Section III. Clause 1. New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the jurisdiction of any other State; nor any State be formed by the junction of two or more States, or parts of States, without the consent of the Legislatures of the States concerned as well as of the Congress.

Clause 2. The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular State.

Section IV. The United States shall guarantee to every State in this Union a republican form of Government, and shall protect each of them against invasion, and on application of the Legislature, or of the executive (when the Legislature can not be convened), against domestic violence.

#### ARTICLE V.--Power of Amendment.

The Congress, whenever two thirds of both houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the Legislatures of two thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the Legislatures of three fourths of the several States, or by conventions in three fourths thereof, as the one or the other mode of ratification may be proposed by the Congress; provided that no amendment which may be made prior to the year one thousand eight hundred and eight shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no State, without its consent, shall be deprived of its equal suffrage in the Senate.

#### ARTICLE VI.--Miscellaneous Provisions.

Clause 1. All debts contracted, and engagements entered into, before the adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the Confederation.

Clause 2. This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, any thing in the Constitution or laws of any State to the contrary notwithstanding.

Clause 3. The senators and representatives before mentioned, and the members of the several State Legislatures, and all executive and judicial officers, both of the United States and of the several States, shall be bound by oath or affirmation to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

#### ARTICLE VII.--Ratification of the Constitution.

The ratification of the conventions of nine States shall be sufficient for the establishment of this Constitution between the States so ratifying the same.

Done in convention, by the unanimous consent of the States present, the seventeenth day of September, in the year of our Lord one thousand seven hundred and eighty-seven, and of the independence of the United States of America the twelfth.

In witness whereof we have hereunto subscribed our names.

GEORGE WASHINGTON,  
President, and Deputy from Virginia.

#### CONSENT OF THE STATES PRESENT

NEW HAMPSHIRE.  
John Langdon,  
Nicholas Gilman.

MASSACHUSSETS.  
Nathaniel Gorham,  
Rufus King.

CONNECTICUT.  
William Samuel Johnson,  
Roger Sherman.

NEW YORK  
Alexander Hamilton.

NEW JERSEY.  
William Livingston,  
David Brearley,  
William Paterson,  
Jonathan Dayton.

PENNSYLVANIA.  
Benjamin Franklin,  
Thomas Mifflin,  
Robert Morris,  
George Clymer,  
Thomas Fitzsimons,  
Jared Ingersol,  
James Wilson,  
Gouverneur Morris.

DELAWARE.  
George Read,  
Gunning Bedford, Jr.,  
John Dickinson,  
Richard Bassett,  
Jacob Broom.

MARYLAND.  
James McHenry,  
Daniel of St. Thomas Jenifer,  
Daniel Carroll.

VIRGINIA.  
John Blair,  
James Madison, Jr.

NORTH CAROLINA.  
William Blount,  
Richard Dobbs Spaight,  
Hugh Williamson.

SOUTH CAROLINA.  
John Rutledge,  
Charles C. Pinckney,  
Charles Pinckney,  
Pierce Butler.

GEORGIA.  
William Few,  
Abraham Baldwin.

Attest: WILLIAM JACKSON, Secretary.

## AMENDMENTS

To the Constitution of the United States, Ratified according to the Provisions of the Fifth Article of the Foregoing Constitution.

Article I. Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for redress of grievances.

Article II. A well-regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed.

Article III. No soldier shall, in time of peace, be quartered in any house, without the consent of the owner, nor in time of war, but in a manner to be prescribed by law.

Article IV. The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Article V. No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war and public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor to be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation.

Article VI. In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defence.

Article VII. In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined in any court of the United States, than according to the rules of common law.

Article VIII. Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

Article IX. The enumeration in the Constitution of certain rights, shall not be construed to deny or disparage others retained by the people.

Article X. The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

Article XI. The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another State, or by citizens or subjects of any foreign state.

Article XII. The electors shall meet in their respective States, and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same State with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President; and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the president of the Senate;--the president of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted;--the person having the greatest number of votes for President, shall be the President; if such number be a majority of the whole number of electors appointed; and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of these voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two thirds of the States, and a majority of all the States shall be necessary to a choice. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President



shall act as President, as in the case of the death or other constitutional disability of the President. The person having the greatest number of votes as Vice-President, shall be the Vice-President, if such number be a majority of the whole number of electors appointed; and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice-President; a quorum for the purpose shall consist of two thirds of the whole number of senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.

Article XIII.--Section 1. Neither slavery nor involuntary servitude, except as a punishment for crime, whereof the person shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

Section 2. Congress shall have power to enforce this article by appropriate legislation.

Article XIV.--Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

Section 2. Representatives shall be appointed among the several States according to their respective numbers, counting the whole number of persons in each State excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, representatives in Congress, the executive or judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age and citizens of the United States, or in any way abridged except for participation in rebellion or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

Section 3. No person shall be a senator or representative in Congress, or elector of President or Vice-President, or hold any office, civil or military, under the United States, or under any State, who having previously taken an oath as a member of Congress, or as an officer of the United States, or as a member of any State Legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may, by a vote of two thirds of each house, remove such disability.

Section 4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pension and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations, and claims shall be held illegal and void.

Section 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

Article XV.--Section 1. The rights of citizens of the United States to vote shall not be denied or abridged by the United States, or by any State, on account of race, color, or previous condition of servitude.

Section 2. The Congress shall have power to enforce this article by appropriate legislation.

Article XVI. The Congress shall have power to lay and collect taxes on incomes from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration.

Article XVII.--Section 1. The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for six years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

Section 2. When vacancies happen in the representation of any State in the Senate, the executive authority of such State shall issue writs of election to fill such vacancies; Provided that the legislature of any State may empower the executive thereof to make temporary appointments until the people fill the vacancies by election as the legislature may direct.

Section 3. This amendment shall not be so construed as to affect the election or term of any Senator chosen before it becomes valid as part of the Constitution.

Article XVIII.--Section 1. After one year from the ratification of this article, the manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from, the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited.

Section 2. The Congress and the several States shall have concurrent power to enforce this article by appropriate legislation.

Section 3. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of the several States, as provided in the Constitution, within seven years of the submission thereof to the States by the Congress.

Article XIX.--Section 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States, or by any State, on account of sex.

Section 2. Congress shall have power, by appropriate legislation, to enforce the provisions of this article.

Article XX.--Section 1. The terms of the President and Vice President shall end at noon on the 20th day of January, and the terms of Senators and Representatives at noon on the 3rd day of January, of the years in which such terms would have ended if this article had not been ratified; and the terms of their successors shall then begin.

Section 2. The Congress shall assemble at least once in every year, and such meeting shall begin at noon on the 3rd day of January, unless they shall by law appoint a different day.

Section 3. If, at the time fixed for the beginning of the term of the President, the President-elect shall have died, the Vice-President-elect shall become President. If a President shall not have been chosen before the time fixed for the beginning of his term, or if the President-elect shall have failed to qualify, then the Vice President-elect shall act as President until a President shall have qualified; and the Congress may by law provide for the case wherein neither a President-elect nor a Vice President-elect shall have qualified, declaring who shall then act as President, or the manner in which one who is to act shall be selected, and such person shall act accordingly until a President or Vice President shall have qualified.

Section 4. The Congress may by law provide for the case of the death of any of the persons from whom the House of Representatives may choose a President whenever the right of choice shall have devolved upon them, and for the case of the death of any of the persons from whom the Senate may choose a Vice President whenever the right of choice shall have devolved upon them.

Article XXI.--Section 1. The Eighteenth Article of Amendment to the Constitution of the United States is hereby repealed.

Section 2. The transportation or importation into any State, Territory, or Possession of the United States for delivery or use therein of intoxicating liquors, in violation of the laws thereof, is hereby prohibited.

BIBLIOGRAPHY

## BIBLIOGRAPHY

### A

Adams, Charles Francis--The Works of John Adams. Volumes II and IX. Boston, (Massachusetts): Little, Brown and Company, 1850 and 1854.

Arnold, Thomas--Introductory Lectures on Modern History. New York: D. Appleton and Company, 1858.

### B

Bancroft, George--The History of the Formation of the Constitution of the United States of America. Vol. II. New York: D. Appleton and Company, 1882.

Bancroft, George--The History of the United States. Volumes I - X. (4th Edition). Boston, (Massachusetts): Little, Brown and Company, 1838 - 1874.

Bartlett, John Russell--The Records of the Colony of Rhode Island, Vol. 1, (1636-1663). Preserved in Film. Providence, Rhode Island, 1856.

Blackstone, William--Commentaries on the Laws of England. Vol. I. (18th London Edition). New York: Collins and Hannay, 1832.

Blanchard, Charles A.--Modern Secret Societies. Chicago, (Illinois): National Christian Association, 1903.

Bluntschli, J. K.--The Theory of the State. (Authorized English translation from the 6th German Edition). Oxford: Clarendon Press, 1885.

Bouton, Nathaniel--Documents and Records Relating to the Province of New Hampshire. Vol. I, (1623 - 1686). Concord, (Massachusetts): George E. Jenks, Printer, 1867.

Brown, Alexander--The Genesis of the United States. Vol. I, (1605 - 1616). Boston, (Massachusetts): Houghton, Mifflin and Company, 1890.

Brown, P. Hume--A History of Scotland for Schools. Edinburgh: Oliver and Boyd, 1907.

Brownson, O. A.--The American Republic. New York: P. O'Shea, 1866.

Burke, Edmund--Reflections on the Revolution in France. (2nd Edition). London: J. Dodsley, 1790.

## C

Christian Nation, The--Editor, John W. Pritchard. Volumes XIII and XIV. New York, 1890 and 1891.

Christian Statesman, The--A semi-monthly Journal. Editor, T. P. Stevenson. Vol. V. Philadelphia, Pennsylvania, 1872.

Coolidge, Calvin--Foundations of the Republic. New York: Scribner's, 1926.

Corpus Juris--(Edited by William Mack and Donald J. Kiser). Volumes XIX and XXXV. New York: The American Law Book Company, 1920 and 1924.

## D

Dallas, A. J.--Reports of Cases Ruled and Adjudged in the several Courts of the United States and Pennsylvania. Vol. II. (2nd Edition). New York: Banks and Brothers, 1882.

Davis, J. C. B.--Reports of Cases Ruled and Adjudged in the Supreme Court of the United States. Volumes 143 and 174. New York: Banks and Brothers, 1891 and 1899.

Delitzsch, Franz--A Commentary on the Book of Psalms. Volumes I (Translated by the Rev. David Eaton and the Rev. James E. Duguid) and II (Translated by the Rev. David Eaton) from the 4th Edition, 1883. New York: Funk and Wagnalls.

Dorner, Isaac A.--System of Christian Ethics. (Translated by Charles M. Mead and R. T. Cunningham). New York: Scribner and Welford, 1887.

## E

Elliot, Jonathan--Debates on the Adoption of the Federal Constitution. vol. V. Philadelphia, (Pennsylvania): J. B. Lippincott and Company, 1876.

Encyclopaedia Britannica, The--(14th Edition). Volumes VI and XXII. New York: Encyclopaedia Britannica, Incorporated, 1938.

Extracts from the Minutes of the Synod of the Reformed Presbyterian Church, Session XI. (Pamphlet). 1825.

## F

Franklin, Benjamin--The Works of Benjamin Franklin. Vol. V. Boston, (Massachusetts): Whittemore, Niles and Hall, 1856.

## G

Geneva College Bulletin--Vol. XXVIII, No. 1, January 1937. Beaver Falls, (Pennsylvania), 1937.

Gladstone, W. E.--The State in its Relations with the Church. (2nd Edition). London: John Murray, 1839.

Glasgow, W. M.--History of the Reformed Presbyterian Church in America. Baltimore, (Maryland): Hill and Harvey, 1888.

Gordy, Wilbur F.--History of the United States. New York: Scribner's, 1922.

## H

Harpers' Latin Dictionary--(Edited by E. A. Andrews). Harper and Brothers, 1889.

Hazard, Ebenezer--Historical Collections. Volumes I and II. Philadelphia, (Pennsylvania): T. Dobson, 1792 - 1794.

Hegel, G. W. F.--Philosophy of Right. (Translated by S. W. Dyde). London: George Bell and Sons, 1896.

Hening, William W.--The Statutes at Large. Vol. I. New York: R. & W. & G. Bartow, 1823.

Hetherington, W. M.--History of the Church of Scotland. New York: Robert Carter and Brothers, 1870.

Hill, David Jayne--World Organization as Affected by the Nature of the Modern State. New York: Columbia University Press, 1911.

Hodge, A. A.--A Commentary on the Confession of Faith. Philadelphia, (Pennsylvania): Presbyterian Board of Publication, 1869.

Hodge, Charles--Systematic Theology. Vol. III. New York: Scribner's 1872.

Hurd, John Codman--The Law of Freedom and Bondage in the United States. Vol. I. Boston, (Massachusetts): Little, Brown and Company, 1858.

## J

Jameson, John Alexander--The Constitutional Convention.  
New York: Scribner's, 1867.

Johnson, Lorenzo D.--Chaplains of the General Government.  
New York: Sheldon, Blakeman and Company, 1856.

Johnson, William--Reports of Cases Argued and Determined in  
the Supreme Court of New York. Vol. VIII. New York:  
Banks and Brothers, 1883.

## K

Kent, James--Commentaries on American Law. (Edited by  
O. W. Holmes, Jr.). Vol. I, (12th Edition). Boston,  
(Massachusetts): Little, Brown and Company, 1873.

Killen, William D.--The Ancient Church.  
New York: Scribner's, 1859.

## L

Lieber, Francis--On Civil Liberty and Self-Government. (En-  
larged Edition in one volume). Philadelphia, (Pennsyl-  
vania): J. B. Lippincott and Company, 1859.

Lieber, Francis--Manual of Political Ethics. Vol. I. Boston,  
(Massachusetts): Little, Brown and Company, 1838.

Lincoln, Abraham--Complete Works. Volumes I and II. (Edited  
by John G. Nicolay and John Hay). New York: The  
Century Company, 1920.

Linn, John Blair--Charter to William Penn and Laws of the  
Province of Pennsylvania, 1682 - 1700. Harrisburgh,  
(Pennsylvania): Lane S. Hart, State Printer, 1879.

## M

Macpherson, John--The Westminster Confession of Faith. (2nd  
Edition). Edinburgh: T. and T. Clark, 1882.

Manual of Style, A--(10th Edition). Chicago, (Illinois):  
The University of Chicago Press, 1938.

Martensen, H.--Christian Ethics. (Translated from the  
author's German Edition by Sophia Taylor). Edinburgh:  
T. and T. Clark, 1882.



- Martin, R. H.--The Day, Pittsburgh, (Pennsylvania): National Reform Association, 1933.
- Meyer, H. A. W.--Critical and Exegetical Hand-Book to the Gospel of Matthew. (Translated from the 6th German Edition by the Rev. Peter Christie. Revised by Frederick Crombie and William Stewart). New York: Funk and Wagnalls, 1884.
- Meyer, H. A. W.--Critical and Exegetical Hand-Book to the General Epistles of James, Peter, John, and Jude. By J. E. Huther. (Translated from the 3rd German Edition by The Rev. Paton J. Gloag, D. B. Croom, and the Rev. Clarke H. Irwin). New York: Funk and Wagnalls, 1887.
- Milton, John--Complete Poetical Works of John Milton. (Cambridge Edition). New York: Houghton, Mifflin, 1899.
- Milton, John--Prose Works, (Bohn's Edition). Vol. II. London: Bell and Daldy, 1872.
- Minutes of the Synod of the Reformed Presbyterian Church of North America, Session XCVII, 1926.
- Minutes of the Synod of the Reformed Presbyterian Church of North America, Session XCVIII, 1927.
- Minutes of the Synod of the Reformed Presbyterian Church of North America, Session C, 1929.
- Minutes of the Synod of the Reformed Presbyterian Church of North America, Session CIII, 1932.
- Minutes of the Synod of the Reformed Presbyterian Church of North America, Session CIV, 1933.
- Minutes of the Synod of the Reformed Presbyterian Church of North America, Session CIX, 1938.
- Morris, Benjamin F.--Christian Life and Character of the Civil Institutions of the United States. Philadelphia, (Pennsylvania): George W. Childs, 1864.
- Mulford, Elisha--The Nation. Boston, (Massachusetts): Houghton, Mifflin, 1894.

## Mc

- \* McAllister, David--A Manual of Christian Civil Government.  
First Edition. Philadelphia, (Pennsylvania);  
Aldine Press Company, 1890.  
Second Edition. Revised by T. H. Acheson and W.  
Parsons. Pittsburgh, (Pennsylvania): National  
Reform Association, 1927.
- M'Crie, Thomas--Life of John Knox. (7th Edition).  
Edinburgh: William Blackwood and Sons, 1855.
- McLaren, Alexander--Expositor's Bible. Vol. III.  
Hartford, (Connecticut): S. S. Scranton Company,  
1904.
- McMaster, Gilbert--The Moral Character of Civil Government.  
(Pamphlet). Albany, (New York): W. C. Little, 1832.

## N

- National Reform Documents--Philadelphia, (Pennsylvania):  
National Reform Association, 1887.

## O

- O'Callaghan, E. B.--Laws and Ordinances of New Netherland,  
1638 - 1674. Albany, (New York): Weed, Parsons and  
Company, 1868.
- Original Draft of a Pastoral Letter. (Pamphlet).  
New York: W. Applegate, Printer, 1832.
- Otto, William T.--Reports of Cases Argued and Adjudged in  
the Supreme Court of the United States. Vol. VII.  
Supreme Court Volume 97. Boston, (Massachusetts):  
Little, Brown and Company, 1879.
- Our Banner--(Edited by J. C. K. Milligan). Volumes XVII  
and XVIII. Philadelphia, (Pennsylvania): Christian  
Statesman Publishing Company, 1890 and 1891.

## P

- Phillimore, Robert J.--Commentaries on International Law.  
(3rd Edition). Vol. I. London: Butterworths, 1879.

- \* The First Edition of this book was used, for the most part,  
in this thesis because the Second Edition is an abridged one.  
Whenever the Second Edition was used, it was noted.

Poore, Benjamin P.--The Federal and State Constitutions, Colonial Charters, and Other Organic Laws of the United States, Part I. Washington: Government Printing Office, 1877.

Preston, Howard W.--Documents Illustrative of American History, 1606 - 1663. New York: Putnam's, 1886.

Pritchard, John W.--Soldiers of the Church.  
New York: Christian Nation Publishing Company, 1919.

## R

Reformation Principles Exhibited by the Reformed Presbyterian Church in the United States. (1911 Edition).  
New York: J. W. Pratt Company, 1911.

Reformed Presbyterian, The--Vol. XXV. (Minutes of the Synod of the Reformed Presbyterian Church in North America, Session XXXV). Editor, Thomas Sproull. Pittsburgh, Pennsylvania, 1861.

Reformed Presbyterian and Covenanter, The--(Edited by Thomas Sproull and John W. Sproull). Vol. VI. Pittsburgh, (Pennsylvania): Bakewell and Marthens, 1868.

Reformed Presbyterian and Covenanter, The--(Edited by J. Sproull and D. B. Willson). Vol. XV. Pittsburgh, (Pennsylvania): Stevenson, Foster and Company, 1877.

Reformed Presbyterian and Covenanter, The--Edited by J. W. Sproull and D. B. Willson. Volumes XXII, XXIII, XXV, and XXVI. Pittsburgh, (Pennsylvania): Myers, Shinkle and Co., 1884, 1885, 1887, and 1888.

Report of the Christian Citizenship Conference, The--Held in the Allegheny Covenanter Church, Pittsburgh, Pennsylvania, February 24th and 25th, 1902.  
Allegheny, (Pennsylvania): John C. Park, 1902.

Richardson, James D.--A Compilation of the Messages and Papers of the Presidents, 1789-1897. Vol. IX.  
Washington: Published by the Congress, 1899.

Robb, A. I., Robb, J. K., and Mitchel, Jesse--Forty Years in Our China Mission. Topeka, (Kansas): Covenanter Witness Press, 1936.

Robinson, Albert G.--Cuba and the Intervention. New York: Longmans, Green and Company, 1905.

## S

- Sergeant, Thomas and Rawle, William--Reports of Cases Adjudged in the Supreme Court of Pennsylvania. (3rd Edition, revised and corrected). Vol. XI. Philadelphia, (Pennsylvania): Kay and Brothers, 1874.
- Scott, David--Calm Examination of Dr. McMaster's Letters on Civil Government. (Pamphlet). Newburgh, (New York): Charles U. Cushman, 1832.
- Scott, David--Narrative of the Division of the Reformed Presbyterian Church, United States, 1833. Rochester, (New York): Curtis, Butts and Co., 1863.
- Sloane, J. R. W.--The Works of J. R. W. Sloane with a Life of the Author by his Son. New York: A. C. Armstrong and Son, 1888.
- Sparks, Jared--The Writings of George Washington. Vol. XII, Boston, (Massachusetts): American Stationers' Company, 1837.
- Statutes at Large of the United States of America--65th Congress, 1917-1919. Vol. 40, Part 2. Washington: Government Printing Office, 1919.
- Statutes at Large of the United States of America--69th Congress, 1925-1927. Vol. 44, Part 3. Washington: Government Printing Office, 1927.
- Statutes at Large of the United States of America--74th Congress, 1935-1936. Vol. 49, Part 2. Washington: Government Printing Office, 1936.
- Statutes at Large of the United States of America--75th Congress, 2nd Session 1937. Vol. 51. Washington: Government Printing Office, 1938.
- Stenographic Report of the Great "Liberal" Trial in the Covenanters Synod of 1891. Allegheny, (Pennsylvania): Covenanters Publishing Company, 1892.
- Story, Joseph--Commentaries on the Constitution of the United States. Vol. III. Boston, (Massachusetts): Hilliard, Gray and Company, 1833.
- Symington, William--Messiah the Prince. Philadelphia, (Pennsylvania): The Christian Statesman Publishing Company, 1884.

## T

Thompson, Owen F.--Sketches of the Ministers of the Reformed Presbyterian Church of North America, 1888-1930. Blanchard, (Iowa): Published by the Reformed Presbyterian Church, 1930.

Trumbull, J. Hammond--The Public Records of the Colony of Connecticut, 1636-1665. Hartford, (Connecticut): Brown and Parsons, 1850.

## U

United States Supreme Court Reports--Cases Argued and Decided in the Supreme Court of the United States, October term 1930. Book 75. (Lawyer's Edition). Rochester, (New York): The Lawyer's Co-operative Publishing Company, 1931.

## V

Vattel, E.--The Law of Nations. London: Whieldon and Butterworth, 1793.

Vos, J. G.--Our Mission in Manchuria. (Pamphlet). Topeka, (Kansas): Covenanters Witness Press, 1936.

## W

Webster, Daniel--The Works of Daniel Webster. (14th Edition). Vol. III. Boston, (Massachusetts): Little, Brown and Company, 1866.

Webster, Daniel--The Great Orations of Daniel Webster. Rochester, (New York): Wilbur M. Hayward, 1853.

Wylie, Richard Cameron--Studies in Christian Citizenship. (Pamphlet). No. X.